

SUBCOURSE
IT0735

EDITION
C

US ARMY INTELLIGENCE CENTER

**COUNTERINTELLIGENCE
INVESTIGATIONS**



**THE ARMY INSTITUTE FOR PROFESSIONAL DEVELOPMENT
ARMY CORRESPONDENCE COURSE PROGRAM**

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COUNTERINTELLIGENCE INVESTIGATIONS

Subcourse Number: IT0735

EDITION C

U.S. Army Intelligence Center
Fort Huachuca, AZ 85613-6000

6 Credit Hours

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SUBCOURSE OVERVIEW

This subcourse is designed to teach you, the counterintelligence (CI) Special Agent, the rationale and doctrine concerning the authority, jurisdiction, and scope for initiating all CI cases; the proper procedures for the conduct of selected CI investigations; and the recommended techniques for the handling of physical evidence.

There are no prerequisites for this subcourse.

This subcourse reflects the doctrine which was current at the time the subcourse was prepared. In your own work situation, always refer to the latest publications.

The words "he," "him", "his," and "men", when used in this publication, represent both the masculine and feminine genders unless otherwise stated.

TERMINAL LEARNING OBJECTIVE

ACTION: You will identify the purpose, scope, jurisdiction, as well as the administrative responsibilities, authority, and functions for all CI investigations; learn proper procedures for the conduct of complaint-type investigations (CTI); and, when applicable, initiate and coordinate the collection of physical evidence for possible use in judicial proceedings.

CONDITIONS: Given narrative information and illustrations from FM 34-60, FM 34-60A(S), FM 19-20 and AR 380-67, AR 381-20, and AR 195-2.

STANDARDS: To demonstrate competency of this task, you must achieve a minimum of 70% on the subcourse examination.

**** NOTE** The Defense Investigative Service (DIS), is now the Defense Security Service DSS. This change will be made in the subcourse when it is revised.**

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LESSON 1

CI INVESTIGATIONS: PURPOSE, SCOPE,
JURISDICTION AND AUTHORITY

CRITICAL TASK: NONE

OVERVIEW

LESSON DESCRIPTION:

In this lesson, you will learn the rationale and applicable doctrine concerning the conduct of counterintelligence (CI) investigations to include the authority, jurisdictional constraints, scope, and the administrative functions for all phases of an investigation.

TERMINAL LEARNING OBJECTIVE:

- ACTIONS: Describe the functions of the Personnel Security Central Clearance Facility (CCF) and other applicable control offices; identify and perform the administrative responsibilities for all phases of a CI investigation; and state the doctrine, scope criteria, and purpose for the initiation of an investigation.
- CONDITIONS: You will be given narrative information and illustrations from FM 34-60.
- STANDARD: You will initiate, perform all administrative functions, and properly record the results of both favorable and unfavorable CI investigations IAW with the provisions of FM 34-60.
- REFERENCES: The material contained in this lesson was derived from the following publications:
- AR 380-5,
 - AR 381-10,
 - AR 381-20,
 - AR 380-67,
 - FM 34-60,

This lesson has two parts:

Part A: Purpose, Scope, Jurisdiction and Authority for CI investigations.

Part B: Source of Investigation Requests, Control Offices, and Function of The Personnel Security Central Clearance Facility (CCF).

PART A: PURPOSE, SCOPE, JURISDICTION AND AUTHORITY
FOR CI INVESTIGATIONS

PURPOSE OF CI INVESTIGATIONS. CI investigations are aimed at the detection, prevention, and neutralization of actual or potential threats to the security of the command and the Army, regardless of whether criminal activity is involved. Although prosecution of the offenders may be the natural consequence of some CI investigations, the primary objective is the security of the command. Many operations of CI units must be coordinated carefully with those of military police (MP) investigative units and other intelligence and security agencies. This coordination will prevent operations of one agency from having a negative effect on or compromising the operations of another.

SCOPE OF INVESTIGATIONS. It is Department of the Army (DA) policy that a CI investigation will be limited in scope to the minimum amount of assets necessary to obtain adequate information on which to base an adjudication or decision. Special care and minimum use of covert investigative techniques will be used, particularly when authorized to investigate nonaffiliated United States (US) citizens and organizations. When the use of such techniques is contemplated, the legal officers of the US Army Intelligence and Security Command (INSCOM) must be consulted to ensure the action is in conformance with Army Regulations (AR), federal statutes, and if applicable, the laws of the host foreign country. When any legal doubt exists, prior approval must be requested from the Deputy Chief of Staff for Intelligence, DA (DCSINT, DA).

All CI investigators and supervisors must understand that a legal distinction exists between an investigation involving foreign intelligence agencies and a routine investigation involving US citizens or allied foreign nationals. As a general rule, use of covert techniques is prohibited in routine investigations involving citizens of the US or allied foreign nations.

Information developed during the course of any CI investigation that indicates involvement by a foreign intelligence service must be reported by the fastest secure means available, consistent with the "need to know" principles, to Army Case Control Officer (ACCO).

ARMY JURISDICTION. An agreement was entered into in 1949 by DCSINT, DA; the Office of Naval Criminal Investigative Service (NCIS) US Navy; the Office of Special Investigations, (OSI), Inspector General, US Air Force; and the Federal Bureau of Investigation (FBI). This agreement is commonly known as the "Delimitations Agreement". It establishes the responsibilities of the signatories for investigating all activities coming under the categories of espionage, counterespionage, criminal subversion, and sabotage. This agreement is binding upon all US Army investigative agencies.

NOTE: ONI has been redesignated as the Naval Criminal Investigative Service (NCIS).

DCSINT, DA is responsible for:

- * The investigation and disposal of all cases of espionage, counterespionage, criminal subversion, and sabotage involving active and retired Army military personnel.
- * The disposal, but not investigation, of all cases in these categories involving Army civilian employees in the US, Puerto Rico, and the Virgin Islands.
- * The investigation and disposal of all cases in these categories involving Army civilian employees stationed in areas other than the US, Puerto Rico, and the Virgin Islands, except part of such investigations as have ramifications in the US, Puerto Rico, or the Virgin Islands.
- * The investigation of all cases in these categories involving civilians and foreign nationals who are not employees of the other subscribing organizations, in areas where the Army commander has supreme jurisdiction over the Armed Forces stationed therein, including possessions of the US other than Puerto Rico and the Virgin Islands.
- * Informing the other subscribing organizations of any important developments.

PART B: SOURCE OF INVESTIGATION REQUESTS,
CONTROL OFFICES, AND FUNCTION OF CCF

SOURCE OF INVESTIGATION REQUESTS. The mission of CI elements and units is "the detection, identification, assessment, counter, neutralize, or exploit threat intelligence collection efforts.

In fulfillment of this mission, CI personnel and units engage in a broad range of operations with direction and guidance from higher authorities within their areas of operations. Some of those activities which may be termed "force protection", include the following:

- * Safeguarding defense information.
- * Assessing vulnerabilities and recommending solutions for Army facilities which have classified defense contracts or have been designated as key defense installations.
- * Conducting CI surveys, inspections and services.
- * Conducting two types of investigations.
- * CI Investigations (Aka: SAEDA) and personnel security investigations (PSI).

A Counterintelligence Investigation (CII) is one in which sabotage, espionage, spying, treason, sedition, or subversion, FIS directed sabotage, activity is suspected or alleged because of the receipt or development of credible derogatory information. The primary purpose of each CII is to identify, neutralize and exploit information of such a nature form and reliability that may determine the extent and nature of action, if any, is necessary to counteract the threat and enhance security. CII may have various origins, but generally originate from four common sources:

Signal Scope Background Investigation (SSBI). During the conduct of a routine SSBI by the Defense Investigative Service (DIS), credible derogatory information reflecting on subject's loyalty is investigated.

As a result, the investigation classification will be changed from that of a SSBI to CII. DIS will dispose of the case IAW its charter, Department of Defense (DOD) Directive 5105.42. DIS has the option to run the investigation or refer the case to the appropriate investigative agency. CI has investigative jurisdiction, as well as case dispositions, for CII involving active or retired members of the U.S. Army and DOD civilians working overseas. The FBI has jurisdiction for DOD civilians employed within the Continental United States (CONUS).

NOTE: The SSBI will NOT be changed to a CII if the information reflects adversely on subject's suitability; that is, integrity, discretion, morals, or character.

CI Walk-In Interview. A walk-in is an individual who seeks out CI Agents to volunteer information which is believed to be of intelligence value. When an individual reports activity that falls within the scope of a CII to an intelligence unit or other military organization, this information is immediately reported to sub-control offices who have authority to initiate a CII. The CII would be

conducted by the appropriate investigative agency having jurisdiction over the individual being investigated. DIS could be requested to conduct all or part of the military components of the investigation.

Reports From Other Intelligence and Security Agencies.

Leads Obtained Directly From Sources Used in Special Operations.

CII's are generally incident investigations concerning acts or activities which are committed by, or involving known or unknown persons or groups.

Initiation of a CII.

CII on individuals under the jurisdiction of the Army will be initiated only by:

- * US Army Intelligence and Security Command (INSCOM) ACCO.
- * Sub-control offices overseas.
- * Direction of higher authority.

CONUS Investigations. Within CONUS, major commands, agencies, and activities will forward requests for initiation of CII to INSCOM. When a CI, which was not requested by a major command (MACOM), agency, or activity, is initiated by one of the services, the appropriate command will be notified through intelligence channels. During the course of a CII, the control officer will keep the MACOM informed of the progress of the case.

NOTE: The Delimitations Agreement of 1949 emphasizes that each military service will be responsible for its own internal security. CII on individuals under the jurisdiction of the U.S. Army will be initiated only by U.S. Army agencies.

Overseas Investigations. In overseas areas, the responsibility for investigation of the agreed categories rests with the military service that is in supreme command of the area. This procedure is subject to coordination with the Central Intelligence Agency (CIA) and agreements with other DOD intelligence components and host government agencies, IAW AR 381-20. Normally, the Army will be the supreme authority in an area of operations or postwar zone of occupation and will have the investigative responsibility of espionage, sabotage, and subversion committed by any individual in the area. The one exception is personnel under the jurisdiction of other military services in the area. This exception is based upon the assumption that the CI agencies of the Navy and Air Force are operational in the area and will be able to take care of their own personnel. If they are not, by prior agreement with such services, the Army will become responsible for and conduct all such investigations.

"What is derogatory information?"

Para 1-304.3, AR 380-67, defines derogatory information as:

"Information that constitutes a possible basis for taking an adverse or unfavorable personnel security action."

a. Adverse loyalty information (see para 2-200 a-f, 2-200k and Appendix E, para 3, AR 380-67).

b. Adverse suitability information (see para 2-200g-j and 2-200 1-q, Appendix E, para, 1, 2, 4, 5, and 6, AR 380-67).

c. Appendix I, AR 380-67 discusses the adjudication policy. It provides "Disqualifying Factors" - some types of serious conduct that can justify a determination to deny or revoke and individuals eligibility for access to classified information.

If the individual is a member of the U.S. Army, action may be taken to suspend favorable personnel action concerning him until the investigation is completed. This action will be initiated under the provisions of:

Paragraph 6, AR 600-31, Suspension of Favorable Personnel Actions for Military Personnel in National Security Cases and Other Investigative Procedures.

Chapter 4, AR 604-10, Military Personnel Security Program.

Under the individual flagging action, many personnel actions will be suspended: promotions; appointment, enlistment, reappointment or reenlistment; discharge or normal release from active duty; entry on active duty; awards, decorations, or commendations; retirement; security access; attendance at service education or training programs; requests for excess leave; and reassignment, except when cogent reasons exist and then only within the command.

Significant derogatory information:

SUB-CONTROL OFFICES (SCO). Within DA, the DCSINT has staff responsibility for all C I investigative activities. DCSINT formulates policy for the conduct, management, direction, and control of CI operations.

Administration and control of CI investigations - special operations, and counterespionage project are exercised by INSCOM, through ACCO. The ACCO exercises overall control and coordination of MI Army CII, and ultimate case control. Within a geographic area or region, INSCOM maintains control of CI, investigative activities through the SCO established in theater support brigades.

CII are initiated only by the responsible SCO. The following SCOs are responsible for all Army CII investigations and operations within their geographic areas:

- * Deputy Chief of Staff for Intelligence (DCSINT), US Army Europe (USAREUR), for the Commander-in-Chief USAREUR area of responsibility (G2, USAREUR).

- * 501st Military Intelligence (MI) Brigade (Bde), for the Commander, Eight US Army (EUSA) area of responsibility.
- * S2s for the Commanders, 470th, 500th, and 902nd Military Intelligence Brigades.
- * Commander, FCA, USAINSCOM, for all other areas.

Major commands (MACOM), agencies, and activities within CONUS will forward requests for initiation of CII to the appropriate SCO.

When a CII, which was not requested by another MACOM, agency, or activity is initiated by a SCO, the appropriate command is notified through intelligence channels.

During a CII, the SCO will keep the major commander informed concerning the progress of the case.

CENTRAL PERSONNEL SECURITY CLEARANCE FACILITY (CCF).

Jurisdiction. The Secretary of the Army delegated the authority to grant, deny, or revoke security clearances for access to classified defense information to the Commander, U.S. Army CCF, under the provisions of DA General Order Number 14, dated 27 July 1977.

The DCSINT, DA, delegated the authority to grant, deny, or revoke access to Sensitive Compartmented Information (SCI) to the Commander, U.S. Army CCF, under CCF, in DAMI-DOS letter, dated 3 October 1977.

This authority applies to the following DA personnel:

1. US Army, DA and contractor personnel affiliated with the Department of Defense and the Army.
2. Persons employed, hired on an individual basis, or serving on an advisory or consulting basis for whom Army personnel security clearances are required, whether or not such persons are paid from appropriate or nonappropriated funds.
3. Employees of the Army National Guard, Army-Air Force Exchange Service (AAFES), American Red Cross, United Service Organization (USO) who are required to have Army personnel security clearance.
4. Reserve Components and National Guard personnel not on active duty.
5. Members of the Reserve Officers Corps.

The above includes U.S. citizens who are native born, naturalized, derivative birth and derivative naturalization.

Responsibilities. The commander, CCF, is the only person designated to deny, revoke, or restore access when suspended by the local commander. CCF monitors the progress of all

actions taken concerning the revocation of security clearances and stores all reports relating to the security clearances of personnel under its jurisdiction.

Whenever derogatory information is developed or becomes available to any DOD element, it shall be referred to the commander or security offices at the organization to which the individual is assigned for duty. The commander or security officer shall review the information in terms of its security significance and completeness. If further information is needed to confirm or disprove, additional investigation should be requested.

When the Commander learns of derogatory information on a member of his/her command that falls into the scope of para 2-200, AR 380-67, the commander will immediately forward DA Form 5248-R to Commander CCF. DA Form 5288 will be submitted in a timely manner and will indicate detail information and actions being taken by the commander or appropriate authority (i.e., conducting an inquiry or investigation). Follow-up will be submitted at 90 day intervals if the commander has not taken final action. At the conclusion of the command action, a final report will be forwarded to CCF that must contain results of any local inquiry, investigations, or board actions and recommendations of the command concerning restoration or revocation of the individuals security clearance. Commanders will not delay any personnel actions while waiting final action by CCF. Actions should proceed with CCF being informed by DA Form 5248-R.

- * If a personnel file does not indicate the existence of a security clearance, commanders must still report information that falls into the scope of para 2-200, AR 380-67, since the person may require a security clearance at a later date. Only a final report is required.
- * Suspend individual's access on an "informal" basis while gathering information to determine a formal suspension is warranted and forward all derogatory information to CCF on DA Form 5248-R with the commander's recommendation. If the commander does not suspend access, CCF will review available information and may advise the commander to suspend.
- * If the commander decides on formal suspension of access, DA Form 873 will be removed from individuals personnel file and attached to DA 5248-R and reported to CCF. Once this is done, the commander may not restore access until a final determination is made by Commander, CCF.

When CCF receives derogatory information and denial or revocation of a security clearance and or access to SCI is deemed appropriate, CCF will:

- * Forward a Letter of Intent (LOI) through the command security manager to the individual. The LOI will outline the derogatory information and explain the proposed actions. The LOI will offer the individual the chance to reply in writing the chance to explain, refute or mitigate the incidents.
- * The LOI will direct suspension of access to classified material. If the LOI addresses SCI access, only, collateral access may continue.

The individual will acknowledge receipt of the LOI by signing and dating the enclosed form letter. The person will indicate his/her intention of submission of a rebuttal. The form letter will be submitted to CCF immediately.

The commander will ensure that the person is counseled as to the seriousness of CCF's contemplated actions and will offer advice and assistance in forming a reply. The individual's response must address each issue raised in CCF LOI. Any written documentation may be forwarded as well as letters of recommendations from supervisors. The response will be forwarded to CCF through the representative who provided the LOI.

All replies to Letters of Intent will be endorsed by at least one commander. Endorsements should include commander's recommendation(s) to deny, revoke or restore the individual's security clearance. The commander should provide a rationale addressing the issues outlined in the LOT. Responses without commander's recommendation will be returned for comment.

When the Commander, CCF, receives the response to the LOI, a final determination is made. The final determination is furnished through the security officer to the individual. IAW AR 600-7-, CCF provides unfavorable information to the DA Suitability Evaluation Board (DASEB), USAR Personnel Center, or National Guard Personnel Centers on all E6 and above, commissioned and warrant officers. A copy of the LOI, individual rebuttal and CCF final letter will be provided. DASEB will determine which information will remain in the military personnel file.

When an individual is incarcerated by military or civil authorities on a conviction of a criminal offense, or when a person is dropped from the rolls as a deserter, his commander will take the following actions immediately.

- * Withdraw the DA Form 873 from the individual's Military Personnel Records Jacket (MPRJ) GR GPF and stamp or print across the face, "Revoked by authority of Commander, CCF, Deserted-(Date)," or "Revoked by authority of Commander, CCF, incarcerated as a result of civil conviction or court martial (date)."
- * Forward the DA Form 873 - and DA Form 5248-R explaining the circumstances to the Commander, CCF, (PCCF-M), Fort George G. Meade, MD 20755-5250.
- * If no DA 873 is in the MPRJ or OPF, DA 5248 explaining the circumstances will be forwarded to Commander, CCF (PCCF-M).
- * If the person has transferred, endorse the LOI, to the gaining command and forward an info copy to CCF (PCCF-M). If released from active duty, with a Reserve Obligation forward the LOI to the U.S. Army Reserve Personnel Center, ATTN: DARP-SPI, St. Louis, MO 63121-5200. Forward a copy to CCF (PCCF-M).
- * If released from active duty without a reserve obligation, endorse the LOI to CCF (PCCF-M) with copy of discharge orders.

CONDUCT OF A CII. CI Agents conducting CII investigations must have a thorough understanding of the objectives and operations of foreign espionage, sabotage, and subversive organizations: CI investigative training; and training and/or experience in counterespionage

operations. This is necessary because it is critically important during the conduct of a CII that all information is fully developed and properly presented, regardless of whether or not the information is favorable to the subject. Also, all data obtained must be factually presented to eliminate any need for presumptive evaluation during the adjudication of the case.

The most important fundamental that should be remembered concerning the conduct of a personal subject CII is that the CI Agent must attempt to prove or disprove the allegation against the subject.

The CI Agent must remember to use caution during the investigation, especially when interviewing the immediate supervisor of a subject, so as not to compromise the investigation or cast a stigma on the subject.

When interviewing a source, the CI Agent will attempt to obtain a sworn statement in the source's own handwriting, if derogatory information reflecting on the subject's loyalty arises, or if information is obtained which refutes previously obtained information concerning the subject's loyalty. If illegible, prepare a typewritten sworn statement for the source to review and sign. Include the original handwritten statement as an attachment to the IMFR. Never destroy the original statement.

For Record. When conducting a CII, the CI Agent's objective of the investigation is to determine the nature and extent of damage to national security. The intent is to develop information sufficient enough to permit its use in a civil or military court or to initiate Counterespionage (CE) procedures. However, the investigation should not be limited to collecting only evidence which is admissible in court. The investigation reports should include all relevant and material information. The CI Agent must remember that hearsay and opinions expressed by sources during an interview may serve a further use as leads in continuing the investigation. The CI Agent must also remember to limit his investigation to the allegation.

Often during the course of an investigation, information relevant to other areas of possible CI interest develop. This information will generally concern the suitability of the individual as regards his morals, character, and integrity. This information will be reported by the CI Agent but not pursued unless specifically tasked.

In accordance with the provisions of AR 381-20, it is the policy of the DA to afford the subject of a CII every reasonable opportunity to explain, refute, or mitigate any adverse information directly involving him. This is accomplished through a subject interview. A subject interview is advantageous to both the subject, by affording him the opportunity to tell his side of the story, and to the government. A CI Agent must get permission from his control officer prior to interviewing a subject of a CII.

LESSON 1

PRACTICE EXERCISE

The following items will test your grasp of the material covered in this lesson. There is only one correct answer for each item. When you have completed the exercise, check your answers with the answer key that follows. If you answer any item incorrectly, study again that part of the lesson which contains the portion involved.

1. There are four signers of the Delimitations Agreement. They are the DCSINT, DA; the Office of Naval Criminal Investigative Service (NCIS), US Navy; the Office of Special Investigations (OSI), Inspector General, US Air Force; and which of the following?
 - A. Central Intelligence Agency.
 - B. Defense Intelligence Agency.
 - C. Defense Investigative Service.
 - D. Federal Bureau of Investigation.

2. The authority to grant, deny, or revoke personnel security clearances to classified defense information has been delegated to the Commander, CCF, by which of the following?
 - A. Secretary of the Army.
 - B. Commander, USAINSCOM.
 - C. Commander, DIS.
 - D. DCSINT, DA.

3. Adverse information in which of the following areas would be justification for changing a SSBI to a CII?
 - A. Morale.
 - B. Loyalty.
 - C. Integrity.
 - D. Discretion.

4. Special Agents conducting a CII will limit the investigation strictly to the production of evidence which is admissible in court.
 - A. True.
 - B. False.

5. From whom is prior approval requested from concerning the use of covert investigative techniques if legal doubt exists?
 - A. Commander, USAINSCOM.
 - B. FBI.
 - C. Secretary of the Army.
 - D. DCSINT, DA.

LESSON 1

PRACTICE EXERCISE

Answer Key and Feedback

<u>Item</u>	<u>Correct Answer and Feedback</u>
1.	D. Federal Bureau of Investigation. (page 1-2).
2.	A. Secretary of the Army. (page 1-6).
3.	B. Loyalty. (page 1-4).
4.	B. False. (page 1-10).
5.	D. DCSINT, DA. (page 1-2).

LESSON 2

CONDUCT CI INVESTIGATIONS OF SABOTAGE, ESPIONAGE, TREASON,
SEDITION, AND SUBVERSION

CRITICAL TASKS: 301-340-1001
301-340-2009

OVERVIEW

LESSON DESCRIPTION:

In this lesson, you will learn how to plan, prepare for, and conduct sedition, subversion, sabotage, espionage, and treason investigations; the legal constraints involved with this type of CI investigation; and how to properly record results of the investigations.

TERMINAL LEARNING OBJECTIVE:

- ACTIONS: Plan, prepare for, conduct, and record the results of sedition, subversion, sabotage, espionage, and treason investigations.
- CONDITIONS: You will be given narrative information and illustrations from FM 34-60 and FM 34-60A.
- STANDARDS: You will plan, prepare for, conduct, and prepare properly formatted reports for the conduct of designated CI investigations IAW the provisions of STP 34-97B4-SM-TG.
- REFERENCES: The material contained in this lesson was derived from the following publications:
- AR 380-5
 - AR 381-10
 - AR 381-12
 - AR 381-20
 - FM 34-60
 - FM 34-60A
 - STP34-97B4-SM-TG

This lesson has five parts:

Part A: Sabotage.

Part B: Espionage.

Part C: Treason.

Part D: Sedition.

Part E: Subversion.

PART A: SABOTAGE

ELEMENTS OF SABOTAGE. The elements of sabotage are set forth in title 18, US Code, Sections 2151-2156. It is summarized in FM 34-60 as

"An act of which is to damage the national defense structure;

Sabotage is also a form of "subversive warfare" which can be used to impair the will of the populace to resist. Sabotage is an effective weapon designed to damage or destroy a nation's capacity to defend itself. It is indispensable to warfare, and used by all nations. It is not a recent innovation of modern warfare. During Biblical times, armies destroyed the enemy's fields, crops, cities, and towns.

At the turn of the 18th century in France, peasants were angered by the fact that machines were replacing workers. A French workman angrily threw a shoe into the machinery when he was working. Consequently, the term "sabotage" is accredited to the French word "sabot", a wooden shoe. Regardless of the origin of the word, the fact exists that sabotage has been used in one form or another through the centuries. It was used extensively and effectively during the last two World Wars and in other outbreaks of hostilities and armed conflict.

We expect acts of sabotage, both in overseas area of operations(AO)/and in CONUS, to increase significantly in wartime. Sabotage is an effective weapon of guerrilla and partisan groups operating against logistical and communication installations in occupied hostile areas, and during insurgencies.

Sabotage may be conducted by trained saboteurs sponsored by hostile guerrilla, insurgent, or intelligence organizations or by individuals operating independently who are motivated by revenge, hate, spite, or greed. In internal defense or limited war situation where guerrilla forces are active, we must be careful to distinguish between acts involving clandestine enemy agents and armed enemy units or dissatisfied friendly personnel. The threat posed to DOD by this hidden army of potential saboteurs is a challenge to CI personnel. Ferreting out individuals in the Army establishment who are members of this hidden force is a continuous, direct effort of CI. For that reason, the CI investigator must be acquainted with the saboteur's potential targets; methods; and capabilities. Equipped with this knowledge, he is better prepared to detect, prevent, and neutralize sabotage conducted against or within the Army establishment.

Sabotage or suspected sabotage are normally categorized by the means employed. The traditional types of sabotage are incendiary, explosive and mechanical. Decline of communism, sabotage can take on a new form with nuclear, biological chemical, magnetic or electromagnetic means. With the rise and dependency of computers sabotage can take on a new means.

Types of Saboteurs. Saboteurs are classified into two main categories: independent saboteurs and enemy agents. Both are dangerous because their actions can have a serious effect upon wars or the national defense.

- * Independent Saboteurs. While not in the employ of any foreign power, but for reasons of their own, they commit acts of sabotage that aid the enemy. An example would be the individual who sets fire to an installation or activity as an act of defiance against an unwanted reassignment. As stated earlier, this type is normally motivated by revenge, hate, spite, or greed. Actions committed by the independent saboteur would probably not be considered sabotage in the CI sense; however, each case must be considered on its own merits.
- * Enemy Agents. More dangerous, the enemy agent is recruited, trained, and directed from a sabotage organization which is expert in covert operations. The agents are carefully selected and trained to perform all types of missions. The sabotage effort can be a constant threat to the security of the target nation when coordinated with other weapons and measures used by the enemy.

Sabotage Targets. Sabotage targets are virtually limitless. Many likely sabotage targets are readily accessible to the average citizen during the course of his daily activities. However, CI investigative responsibility is limited to countersabotage measures within the Army establishment and areas over which it has jurisdiction.

Types of Targets. Sabotage targets will be at any echelon.

Example targets are those that must be reduced for tactical reasons, or could make the continuances of war difficult if not impossible.

- * Bridges.
- * Tunnels.
- * Supply storage areas.
- * Railway systems.
- * Communication facilities.
- * National level economics, political, geographical, and military resources.
- * Industries.

Target Analysis. The factors considered by the saboteur in his target analysis are:

- * Criticality: Items needed for national defense.
- * Vulnerability: The degree of susceptibility of a target to damage.
- * Accessibility: The degree of ease or difficulty in infiltrating the target area.
- * Recuperability: Restoration of a target to a point where the original purpose is served.

The last factor, recuperability, is most important to the saboteur. The target must be reduced to a state of incapability for a reasonable period of time to be worth the risks involved.

SABOTAGE METHODS. There are many different methods to commit sabotage, some of which are neither physical nor violent. Passive Sabotage is a nonviolent means or indirect action directed at morale. It involves passive resistance on the part of the populace. It is not organized to the extent that individuals or groups are given specific tasks.

Active Sabotage is the method of sabotage of primary interest to the CI investigator. It has the physical forms of sabotage as expressed in Title 18, US Code. They are classified as:

- * Incendiary.
- * Explosive.
- * Mechanical.

The saboteur decides which form he will use based on type of target; vulnerability; security; desired effects; time element; and availability of sabotage materials.

The question of which form is more effective against specific types of targets is relatively easy to decide. However, the ability to properly use the various methods depends upon the training of the saboteur.

Incendiary Sabotage. Is the use of a combustible material to maliciously start a fire to destroy property. Normally, this constitutes arson. **(Arson becomes an act of sabotage when there is an intent to hinder defense efforts and reason to believe the act may hinder the war effort.)**

Explosive Sabotage. Violently destructive and, when properly used, can neutralize or destroy targets which are resistant to fire. The saboteur will use explosives on selected targets when speed of destruction is desired, or when he wants to instill fear among the populace or employees of an installation.

Mechanical Sabotage. The easiest to perpetrate and is usually directed against industries, railroads, and ships. No special tools are required; the main requirement is the saboteur must have access. The five basic classifications of mechanical sabotage are--

- * Breakage.
- * Use of abrasives.
- * Acts of omission.
- * Substantiation.
- * Contamination.

These acts cover a wide field and may be committed by the saboteur either singly or in combination.

SABOTAGE BY NUCLEAR, BIOLOGICAL, AND CHEMICAL (NBC) MEANS. We are aware of the immense destruction capability of nuclear weapons and also of the fact that the U.S. has no monopoly over the manufacture of these weapons. With respect to biological and chemical agents, we know other nations have exhibited an interest in these areas. The former Soviet Union has experimented with and standardized some of these agents. Suffice to say, small nuclear weapons and controlled biological and chemical agents have definite sabotage potential.

Biological Agents. Biological warfare (BW) is the military use of living organisms or their toxic products to cause death, liability, or damage to man, domestic animals, or crops. BW has never been used on a large scale with modern weapons. However, throughout history there are documented cases wherein diseases were used in attempts to reduce an enemy's ability to fight.

Chemical Agents. Chemical warfare (CW) agents can produce effects ranging from highly lethal to mildly incapacitating. There are many chemical compounds, producing various effects, available to the saboteur. Such compounds could include:

- * Agents which produce a deep sleep for several hours.
- * Lethal poisons which enter the body through a small break in the skin.
- * Chemicals to contaminate drinking water.

Whatever chemical or agents the saboteur uses, all can be disseminated by means of aerosols, capsules, vials, special dispersal containers, or spread in areas to be carried by wind and dust.

Nuclear Devices. An important factor when discussing the potential use of nuclear devices for sabotage is the destructive capability of an atomic explosion. Some atomic demolition devices destroy indiscriminately. Others, like biological and chemical warfare agents, destroy only personnel. Buildings, machinery, and equipment all remain unharmed. We must not rule out the possibility that, should the enemy launch a major attack against the U.S., all three sabotage means-nuclear, biological, and chemical-will be used to the fullest extent.

ARSON. Arson is one of the saboteur's most effective weapons. He may apply flames directly to combustible material or he may employ mechanical timing devices for delayed ignition. For

any case in which sabotage is a possibility, the following are accomplished by MP and/or criminal investigators:

- * Protect the scene from mutilation by removing all unauthorized people from the area, roping off the area if necessary, and posting guards to deny entrance and prevent removal of any items.
- * Locate witnesses, record their names and addresses, and, if feasible, hold them for questioning. Witnesses held should be segregated. Notify MI.

Burning Factors. Combustion or burning is the rapid oxidation of substances accompanied by generation of heat and light. Burning occurs only when three essential ingredients are present-fuel, oxygen, and a temperature sufficiently high to maintain the process of combustion. Withdrawal of the fuel, elimination of oxygen, or lowering of the temperature will extinguish the burning.

Although fuels may be gaseous, liquid, or solid, combustion usually occurs when they are in a finely divided vaporous state. With many materials, oxidation takes place slowly at room temperature. However, for oxidation to reach the point of combustion, the materials must be heated. When heated, an oxidizing agent gives off oxygen, which in turn has an intense attraction for any fuel. If the ignition temperature is reached, a violent reaction occurs.

Most ordinary combustibles are compounds of carbon and hydrogen with the frequent addition of mineral matter and oxygen. When they burn completely and freely in air, the carbon reacts with the oxygen to form carbon dioxide, the hydrogen combines with the oxygen to form water vapor, and the mineral matter remains behind as ash.

Several factors contribute to the spreading of a fire. Drafts and air supply directly affect behavior of fire. A fire started in a completely closed space will soon become extinguished due to use of the available oxygen and generation of noncombustible gases which smother the fire.

Conversely, the combustion rate is greatly increased if the slightest chimney action exists where the hot gases and flame from the fire contact combustible material. Disastrous fires have resulted in large buildings where the elevator shafts or stairways served as a chimney to direct the uprushing flames and gases.

Other factors that may influence the spread of fire include:

- * Dryness of surrounding vegetation or the structure itself.
- * Presence of rain or amount of humidity.
- * Temperature of the surrounding air.
- * Building construction, to include wooden partitions, unprotected doors and window, elevator shafts and stairways, overhanging eaves, and wooden shingles.

EXPLOSIONS. An explosion is the rapid and violent combustion of a material (solid, liquid, or gas) with resultant pressure and heat. Explosions are generally classified as low- or high-order, according to the speed in feet per second of the expansion caused by the combustion.

Low-order explosions (diffused). An explosion in this category is characterized by a slow expansion over a relatively wide area into a combustion known as deflagration. Most explosives causing this type of explosion have a pushing rather than a shattering effect which results in a twisting and tearing type of deformation.

In a building, walls are forced outward, causing the roof to fall into the interior. Objects are scattered in erratic directions with no semblance of pattern. Other normal characteristics are absence of local shattering, craters, and a clearly marked area of special damage or discoloration. Such explosions result from gas, liquid fuel, solvents, dust, and chemicals.

High-order explosions (concentrated). An explosion in this category is characterized by an extremely rapid combustion, known as detonation reaction, occurring through the action of explosives such as dynamite, TNT, nitroglycerine, penta erythritol tetra nitrate (PETN), and various "plastic" explosives.

No atmospheric oxygen is required since the explosive carries its own oxygen supply in the form of compounds of high oxygen content. An explosion of this nature produces a large volume of gas, heated and expanded by the heat of the reaction.

Its origin can be considered a point where the forces produced radiate equally in all directions. Near the center, there will usually be shattering or fragmenting of material with evidence of small, high- velocity fragments. Movable objects and debris will be blown out in a radiating pattern from the center of the explosion. Suction effect or deflection of forces by objects may after this pattern, but identification of the pattern should still be possible.

X-ray films of cadavers, burned by the explosion, may reveal foreign objects which are helpful in the identification of the explosive device used.

The difference between the two types of explosions is significant to the investigator because the first type is ordinarily accidental while the second is more likely to be deliberate or planned.

Explosive Accessories. Safety fuse. Usually consists of a train of black powder in waterproof casing. The fuse is the medium for carrying a flame to the explosive charge.

Detonating cord. An example would be PETN explosives which are wrapped in a protective casing that makes them insensitive to shock. Detonating cord and fuses are used to detonate main charge explosives.

Blasting caps and detonators. Are copper or aluminum cases filled with an initiating and a detonating charge. They may be nonelectric or electric. Blasting caps and detonators are ignited in one of two ways:

- * Ignition by safety fuse. Crimpers must be used to clamp the detonator to the fuse. Tool marks left by the crimpers on detonator case fragments found at the scene of the explosion may aid in making positive identification of suspect tools.
- * Electrical ignition. Detonators are wired to an electrical source. Closing the circuit will result in instantaneous or timed (interval) explosions. Connecting wires usually remain intact after explosion which may provide valuable trace evidence.

Boosters. An explosive charge is sometimes used to amplify or boost the shock provided by detonators or blasting caps in order to detonate main charge explosives.

Timing devices. Electrical, mechanical, or chemical devices may be used to trigger an explosive charge at a predetermined time.

Handling Explosives. Ordnance detachments (explosive disposal) are strategically located through out CONUS and overseas commands. Members of these detachments are qualified explosive disposal technicians.

In cases where the use of explosives is suspected, the explosive ordnance disposal (EOD) control detachment nearest the scene should be notified immediately for support.

The EOD technicians can provide invaluable assistance not only in disarming explosive devices, but also in the identification of residue of devices that have exploded. These remnants may give excellent clues concerning the type of explosive used, how it was detonated, and how and where it was manufactured (commercially or homemade), and the approximate amount of explosive used.

Undetonated explosive residues (in the area, in safelocks, keyholes, and so on), spilled explosives, and explosive charges left behind by the perpetrator must not be touched. Even a small amount of explosive residue can be detonated and cause a serious explosion.

The explosives technician provided by the EOD detachment will decide whether the bomb will be disarmed or destroyed. If the expert decides to destroy the device, the investigator may be able, beforehand, to photograph its outer surfaces, or, if it is packaged, photograph the writing or postage data on the wrappings. If the device is destroyed, the investigator should carefully collect all remaining evidence.

Do not photograph bombs or explosive charges with a flashbulb since the heat may cause detonation.

The search for remaining explosives at the scene must be supervised by an EOD technician. In case of suspected sabotage, local MI personnel are notified. If the incident takes place within CONUS, the FBI must be contacted.

CONDUCT OF SABOTAGE INVESTIGATIONS. U.S. Army Criminal Investigation Division Command (CIDC) will assume investigative lead for actual or suspected sabotage. CI elements will monitor the CIDC investigation and attempt to ascertain the existence of hostile, enemy, or foreign Government involvement or intent of the sabotage. CI elements will not conduct their

own investigation until foreign Government involvement or intent of the sabotage. CI elements will not conduct their own investigation until foreign Government involvement is evident or suspected. If foreign Government involvement is determined, then a Joint (CI/CIDC) investigation may be conducted, with CIDC normally retaining investigation lead.

As a CI Agent, you are not expected to be a technical expert in the chemistry of fires and explosives or to be fully knowledgeable of machinery and complicated equipment. You are, however, encouraged to obtain the assistance of technical experts during the planning stage of a sabotage investigation.

Fundamental Investigative Rules. Three fundamental investigative rules should be foremost for the CI Agent investigating a sabotage incident. They are as follows:

- * Sabotage investigations require immediate action.
- * The saboteur may still be near the scene, so other military targets may require immediate additional security protection to preclude or limit further damage.
- * The incident scene must be preserved and analyzed before evidence is altered or destroyed.

General Investigative Guidelines. When conducting investigations of sabotage, the CI Agent must proceed with objective, and logical thoroughness. The standard investigative interrogatives apply:

- WHO: Determine a list of probable suspects and establish a list of persons who witnessed or know about the act.
- WHAT: Determine what military target sabotaged and the degree of damage, to the target (momentary and operational).
- WHEN: Establish the exact time when the act of sabotage was initiated and when it was discovered; from as many sources as possible.
- WHERE: Determine the precise location of the target and its relation to surrounding activities.
- WHY: Establish all possible reasons for the sabotage act through the investigation of suspects determined to have had a motive, ability, and opportunity to accomplish the sabotage act.
- HOW: Establish the type of sabotage (such as, incendiary, explosive, mechanical, chemical) and determine the procedures and materials employed through investigation, technical examination, and analysis.

Special Investigative Actions. The following outline of possible investigative actions may be used as a guide for investigating most incidents in which sabotage is suspected:

Obtain information and analyze the details surrounding the initial reporting of the incident to the CIDC unit. Establish the identity of the person reporting the incident and his reason for doing so. Determine the facts connected with the reported discovery of the sabotage and examine them for possible discrepancies.

Examine the incident scene as quickly as possible. The CI Agent will attempt to reach the scene before possible sources have dispersed and evidence has been disturbed.

- * Assist the MP protect the scene from disruption. The MP will remove all unauthorized personnel from the area, roping off the area if necessary, and post guards to deny entrance and prevent anything from being removed.
- * CI Agents should help MP investigators at the crime scene; they should not interfere with the crime scene investigation.
- * CI Agents may help CIDC personnel process the crime scene, to include locating all possible sources for questioning. CI keep sources separate only in the sense that they are identified to MP or CIDC. CI Agents should not physically separate sources.
- * Preserve the incident scene by taking notes, making detailed sketches, and taking pictures. See appendix A for a more detailed explanation of crime scene processing.
- * Arrange for technical experts to search the scene of the sabotage act; collect and preserve physical evidence; and obtain all possible clues. Arson specialists, explosives experts or other types of technicians may be required.
- * Take steps necessary to prevent further damage to the target and safeguard classified information or material.
- * Interview sources and obtain sworn statements as soon as possible to reduce the possibility of forgetting details or comparing stories.
- * Determine the necessary files to be checked. These will be based on examination of the incident scene and by source interviews. CI conducts such action only in coordination with CIDC. CIDC has the crime scene expertise and responsibility; CI has the modus operandi (MO) expertise to identify to CIDC. Source file of particular importance may include:
 1. Friendly unit MO file.
 2. Partisan, guerilla, or insurgent activity file.
 3. Local police files on arsonist.
 4. Local police MO files.

5. Foreign intelligence agency MO files.
6. Terrorist MO files.
7. Provost Marshal files.

File checks should include background information on sources and the person who discovered and reported the act of sabotage.

Interrogate suspects. Study all available information such as evidence, technical and laboratory reports, statements of sources, and information from informants in preparation for interrogation of suspects.

PART B: ESPIONAGE

ELEMENTS OF ESPIONAGE. Unlike sabotage cases, most espionage investigations will be personal subject rather than incident-type cases; that is, they will originate with allegations regarding the activities of known individuals. There are instances, however, when CI personnel will be directed to conduct investigations of incidents in which espionage is suspected, but the identity of suspect(s) has not been established.

Leads in espionage investigations may originate from a wide variety of sources, prominent among which are the following:

- * Reports from sensitive sources.
- * Reports from other intelligence, security, and law enforcement agencies.
- * Evidence of espionage discovered during inspection and surveys, of classified document handling and storage procedure.
- * Reports submitted by military and civilian personnel IAW AR 381-12.
- * Evidence of espionage discussed during screening of refugees, line crossers, displaced persons, civilian interns, enemy prisoners of war (EPW), detectors, and similar groups in areas of armed conflict
- * Information developed during the course of routine PSI.

There are five elements of espionage:

- * Contact or communications.
- * Collection.
- * Tradecraft.
- * Reward or Motive.

- * Travel.

All of these elements are identifiable during the course of a counter espionage (CE) investigation. Examples of the elements of espionage are that:

(1) The accused communicated, delivered, or transmitted any document, writing, code book, signal book, sketch, photographic negative, blueprint, plan, map, model, note instrument, appliance, or information relating to national defense.

(2) This matter was communicated, delivered, or transmitted to any foreign Government, or to any portion or party or military or Naval Force within a foreign country, whether recognized or unrecognized by the US, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly.

(3) The accused did so with the intent or reason to believe that such matter would be used to the injury of the US or to the advantage of a foreign nation.

Federal Espionage Statutes. The espionage statutes encompass many kinds of activities. They have as their ultimate goal to prevent defense information from falling into the hands of a foreign nation. The outstanding aspects of the Title 18, US Code, Sections 793-796, are summarized in FM 34-60 as follows:

"The Act, either directly or indirectly, of obtaining, delivering, transmitting, communicating, or receiving information in respect to national defense with the intent or reason to believe that the information may be used to the injury of the U.S. or to the advantage of any foreign nation. The offense of espionage applies in time of peace or war."

Investigative Guidelines in Espionage Cases. Analysis of the statute and pertinent court decisions permit the following conclusions to be drawn about proof of espionage:

- * "National defense information: is information of military significance which has not been published for public consumption; that is, not distributed in public channels. It need not be classified defense information as defined in AR 380-5. The critical points are if it relates to the national defense and has been restricted to authorized channels.
- * "Any foreign nation" means the nation involved need not be a declared enemy.
- * Loss through gross negligence requires no positive act because it is a crime of omission.
- * Each facet, "loss through gross negligence" and "failure to promptly report," is a separate and distinct crime.

The espionage investigation must be directed toward the collection of information and evidence to show national defense information was involved, and there was an intent or reason to believe the US would be injured or a foreign nation would benefit.

Spying, Article 106, Uniform Code of Military Justice (UCMJ). Spying is strictly limited to a wartime military situation. This is governed by international law, particularly the provisions of the Geneva Conventions. Although the crime of spying as defined in Article 106, UCMJ, differs from espionage, CII based on Article 106 are categorized as espionage cases for reporting and statistical purposes. There are five elements that must be present to constitute the crime of spying:

- * It only occurs during time of war.
- * It is committed in a U.S. military AO.
- * The accused must be caught while seeking information to communicate to the enemy.
- * The accused must have the intent of communicating the information to the enemy.
- * The accused must have been acting in a clandestine manner.

Conduct of Espionage Investigations. No single set of investigative procedures is applicable to the conduct of espionage investigations. Espionage is made up of many different elements; espionage investigations are not always aimed at the arrest and prosecution of the offender. Prosecution of espionage case may be deferred to the Department of justice, CONUS or to the host country OCONUS. CI Agents responsible for such an investigation must have a thorough and up-to-date knowledge of all espionage and counterespionage methods and procedures as discussed in FM 34-5(S).

In any espionage case, use any or all types of investigative techniques and tools described in FM 34-60 AND 34-5(S).

- * Determine what specific techniques to use on a case-by-case basis.
- * Get proper authorization to utilize investigative techniques.
- * Conduct the investigation IAW current laws and regulations.

Records examinations may break the cover story of an espionage suspect. CI Agents may use properly authorized physical or technical surveillance to obtain leads or evidence. They may use confidential or sensitive source or undercover operations to locate and identify suspects. Investigative photography may provide evidence of an attempt to transmit national defense information to a foreign nation.

The following quotation from testimony in February 1950 by the late J. Edgar Hoover, who was then FBI director, explains why arrest and prosecution are not always the objectives of espionage investigations:

"In a criminal case, the identification and arrest of the wrongdoer are the ultimate objectives. In an espionage case, the identification of the wrongdoer is only the first step. What is more important is to ascertain his contacts, his objectives, his

sources of information and his methods of communication. Arrest and public disclosure are steps to be taken only as matters of last resort. It is better to know who these people are and what they are doing, and to immobilize their efforts, than it is to expose them publicly and then go through the tireless efforts of identifying their successor."

PART C: TREASON

ELEMENTS OF TREASON. Treason is the only crime defined in the US Constitution. Historically, those in power passionately desired to remain in power. In order to do so, any opposition was usually severely punished. Thus, treason (the historical name for violent opposition) was regarded by those possessing autocratic power as the most heinous crime, punishable with swift, harsh, and extraordinary punishment. The laws regarding treason were greatly abused because of their application in struggles for retention of power.

The framers of the American Constitution had every right to be apprehensive about the improper application of the concept of treason. The turmoil-ridden history of English treason and seditious libel had been carried to the American colonies. Prior to the American expression of treason, punishment was not limited to the perpetrator of the act of treason. An adverse effect was felt by the close kin and heirs of the convicted enemy of the state. Corruption of blood and forfeiture of estates, existing or inheritable, were popular forms of secondary punishment and state enrichment. Thus, aware of a need to limit the scope of such punishment, Article III, Section 3 of the U.S. Constitution was written. An extract is as follows:

"Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted."

Investigations in which treason is suspected or alleged are rare. Most cases occur during wartime, or upon conclusion of hostilities.

Allegations of treason may originate with:

- Liberated Prisoner of Wars
- Interned US Civilians
- Examination of Captured Enemy Records
- Interrogation of Enemy Military and Civilian Personnel

Federal courts have recognized two distinct types of treason: Levying war and aiding and comfort.

Elements of Treason Under Federal Statute. Interpretation by the federal courts in treason

cases leads to the following generalities concerning the legal elements of the crime of treason under federal statute:

- * The accused must owe allegiance to the U.S. A U.S. citizen owes permanent allegiance whether in the U.S. or on foreign soil (unless an effective renunciation of citizenship was made). An alien in the U.S. owes temporary allegiance to the U.S. because he enjoys the protection of U.S. laws.
- * A levy of war must be an actual waging of open hostilities against the government with specific intent to cause its overthrow.
- * Adherence to the enemy means, in general, any act committed after a state of war exists which indicates a want of loyalty to the U.S. Government, and sympathy with its enemies, and which, by fair construction, is directly in furtherance of their hostile designs.

The investigative burden for a treason case consists of proving the following:

- * The individual owed allegiance to the US when the act was committed.
- * During the levy of war, there were open hostilities against the US and there was a specific intent to overthrow the US Government.
- * The individual provided tangible or intangible aid to the enemy.
- * Two witnesses to the same overt act must testify or it must be established that the accused intends to confess in open court.

Aiding the Enemy, Article 104, UCMJ. Investigations conducted by CI personnel to prove or disprove charges brought against an individual subject to the UCMJ under Article 104, Aiding the Enemy, may in some cases be categorized as treason cases. The article provides that "any person who (1) aids, or attempts to aid, the enemy with arms, ammunition, supplies, money, or other things or (2) without proper authority knowingly harbors or protects or gives intelligence to, or communicates, or corresponds with or holds any intercourse with the enemy, either directly or indirectly, shall suffer death or such other punishment as court-martial or other military commission may direct."

Physical Acts Which Constitute Aiding the Enemy. From the wording of the article and interpretation by the Court of Military Appeals, there are three physical acts which constitute the crime of aiding the enemy. Any one of these acts, with general criminal intent, is a violation of the article:

- * Aids, or attempts to aid the enemy with arms, ammunition, supplies, money or other things.
- * Without proper authority, knowingly harbors or protects or give intelligence to or communicates or corresponds with or holds any intercourse with the enemy, either directly or indirectly.

Proof Requirements Under Article 104. It is necessary to prove only that one or more of the prohibited acts actually occurred. The enemy need not be a declared enemy but may be a "substantial" enemy as in the case of the communist forces in the Korean or Vietnam conflicts.

The requirements of proving allegiance and proving the overt act by two witnesses which are essential under the federal treason statute do not apply.

Korean Conflict Cases Under Article 104. Article 104 was used in the majority of the courts-martial cases arising from the Korean prisoner of war incidents. Most of the specifications in these cases concerned the third act listed above and specifically that part of the act making correspondence, without proper authority, a crime. The Court of Military Appeals established in these cases that there are only three types of communication with the enemy which may be made with "proper authority" under military law, regardless of the motives which prompt the communication:

- * A communication disclosing name, rank, Social Security Number (SSN), and date of birth.
- * A communication concerning the necessities of life.
- * A communication concerning regulations and orders of the place of confinement.

Conduct of Treason Investigations (CTI). Counterintelligence CTI cases in which treason is alleged or suspected during times of war are more apt to be opened immediately upon the conclusion of hostilities. Allegations of treason may originate with liberated prisoners of war, interned U.S. civilians, examination of captured enemy records, or interrogation of enemy military and civilian personnel. Treason cases will almost always be personal subject rather than incident-type cases. Unlike most other CTI, the investigation of a treason case will be primarily concerned with obtaining evidence of the past rather than current activities of the suspected or accused person.

Records examination, interview, and interrogation normally will be the principal investigative techniques. The CI Agent must give particular attention to the legal requirement governing the collection and preservation of evidence, especially the taking of statements from witnesses and suspects. The CI Agent must be careful to sort out fact from rumor or hearsay when taking testimony and reporting the results. In many cases, it will be necessary for the investigator to consult regularly with legal authorities during the course of the investigation to ensure the elements of proof are being fulfilled and all applicable legal conditions and restrictions are met.

PART D: SEDITION

ELEMENTS OF SEDITION. Sedition may be generally defined as "conduct or language inciting to rebellion against the authority of the state." CTI regarding alleged or suspected sedition may be based either on Section 2385, Title 18, USC (also known as the Smith Act), or Article 94, UCMJ, Mutiny or Sedition.

Sedition cases may be classified as either incident-type cases, such as the discovery of literature advocating the violent overthrow of the US government, or personal subject cases, such as the distribution of such literature by a known person. Leads by control offices may originate from several sources, reports from other agencies, or information developed during the course of routine Background Investigation. CTI involving sedition may occur with equal frequency in either peacetime or wartime.

Anyone who conspires to overthrow the U.S. government commits a specific crime under the provisions of Section 2384, Title 18, USC. Unlike the general conspiracy statute, which makes it a crime to conspire to commit any federal crime, the seditious conspiracy statute does not require the commission of an overt act toward fulfillment of the conspiracy's objective. The crime of seditious conspiracy is complete when two or more persons have entered into an agreement to overthrow the U.S. government, or to prevent, hinder, or delay the execution of any U.S. law. It should be noted seditious conspiracy is a conspiracy to actually overthrow as distinct from a conspiracy to advocate overthrow.

The Smith Act enumerates the specific types of prohibited activity which, if done with "intent to cause the overthrow of the government by force or violence," constitute sedition:

- * Advocating action or teaching the duty or necessity of such overthrow.
- * Using words to incite imminent lawless action with the specific intent of overthrowing the U.S. government.

Court decisions relative to advocacy or overthrow have established that advocacy must be calculated to incite persons to take action toward the violent overthrow of the government. Mere advocacy or teaching of forcible overthrow of the government as an abstract principle, divorced from any effort to instigate action to that end, does not constitute the crime of sedition under the Smith Act. The requirement for the advocacy to "incite persons to take action" is of particular significance to the CI Agent. In cases alleging violation of the Smith Act, it can be expected considerable effort will be directed toward proving the oral or written material involved was intended to incite listeners or readers to take action.

Article 94, UCMJ, pertains to both sedition and mutiny. Article 94 makes it a crime for "any person to this chapter who, with the intent to cause the overthrow or destruction of lawful civil authority, creates in concert with any other person, a revolt, violence, or other disturbance against such authority is guilty of sedition." The investigation of charges of sedition under Article 94 will usually be assigned to CI personnel.

Mutiny charges under Article 94 may include a collective effort to overthrow lawful military authority, or the individual creation of a riot or disturbance with the intent to overthrow lawful military authority. The offense of mutiny may be committed in either of two ways: by several persons acting in concert to refuse to obey orders from proper authority with the intent to override military authority or by a person, with similar intent, acting either alone or in concert with others, creating a violence or disturbance. The investigation of mutiny incidents normally will not be assigned to CI personnel unless the mutiny is believed to be related to hostile intelligence or subversive activity.

During the conduct of sedition complaint-type investigations, several principles apply. These include the facts that covert investigative techniques are usually most applicable, but that standard interview and interrogation techniques should also be used. Also, the CI Agent should be thoroughly knowledgeable of the complaint area as it is related to subversive activities, subversive individuals, and subversive organizations. Such knowledge will greatly facilitate the sedition investigations concerning methods of operation, identity of personnel and organizations. Additional techniques which may be applied during the conduct of sedition investigations can be found in FM 34-60A(S).

Enlistment to serve against United States - Title 18, USC Section 2390.

"Whoever enlists or is engaged within the United States or in any place subject to the jurisdiction thereof, with intent to serve in armed hostility against the United States . . ."

PART E: SUBVERSION

ELEMENTS OF SUBVERSION. Under neither constitutional nor statutory law does the U.S. recognize subversion as a punishable offense, unless the subversive act is directed against members of the U.S. forces. What is often called subversive activity is not illegal and could be defended under the First Amendment to the Constitution which guarantees the right of free speech.

Although subversion is not "clearly illegal", it is not any less of a threat to our national security than the crimes of espionage or sabotage. Both of these illegal acts are criminal offenses because the exact nature of these activities is contained in federal criminal statutes and the UCMJ. Accordingly, an investigator knows exactly what constitutes these crimes and can judge his course of action. However, the obscure nature of subversion makes it difficult to detect, and to decide on a course of action once its presence is suspected or detected. The threat from subversion assumes greater proportions when the connection between subversive activity and the crimes of espionage and sabotage are considered. By subverting the loyalty of the citizens of a nation, a hostile power can achieve the objective of weakening that country's resistance to aggression and can provide itself with a pool of potential espionage agents and saboteurs.

From the CI point of view, the CI Agent must remain constantly alert to such activities, as well as the activities of any foreign power which pose a threat to military security, operations, and personnel. Subversion covers a broad spectrum of activity, all of which is clearly inconsistent with the best interest of national security.

Section 2387(a), Title 18, USC defines criminal subversion as:

"Whoever, with intent to interfere with, impair, or influence the loyalty, morale or discipline of the military or naval forces of the United States:

(1) Advises, counsels, urges, or in any manner causes or attempts to cause insubordination, disloyalty, mutiny, or refusal of duty by any member of the military or naval forces of the United States; or

(2) Distributes or attempts to distribute any written or printed matter which advises, counsels, or urges insubordination, disloyalty, mutiny, or refusal of duty by any member of the military or naval forces of the United States."

American constitutional law requires that any penal statute fix ascertainable guilt, either forbidding specific acts or in some cases placing an obligation to perform some specific act. The offense and the elements instituting the act must be sufficiently clear so the ordinary person can intelligently choose in advance which course he may lawfully pursue.

On the surface, Section 2387(a), Title 18, USC is very clear, but upon analyzing the law, there is no clear standard for judging exactly what subversion is. One important question remains constant concerning the obscure treatment of the term subversion: "At what point does an individual exercising his right to free speech influence the loyalty, morale, or discipline of a member of the armed forces?"

As Assistant Chief of Staff for Intelligence, Department of the Army (ACSI, DA), Major General Harold R. Aaron probably best described the current position of CI in investigating subversive activities:

"The Army wholly endorses the Constitutional principle of freedom of expression. Furthermore, the Army has undertaken very practical measures to ensure that nothing curtails the soldier's right to express any opinion he desires through whatever legal means he chooses.

On the other hand, Army counterintelligence would be derelict in its duty if it did not remain alert to detect security threats from those who would abuse the constitutional right of freedom of expression, by promoting aims and objectives meant to undermine the soldier's loyalty and respect for authority and to reduce the Army's capability to fulfill its mission."

AR 381-20, based on federal statutes, specifies that the suspect must be actively attempting to undermine a soldier's loyalty and respect with willful intent. The burden of proof to meet this requirement is extremely difficult to fulfill. Also, under the UCMJ, no specific article addresses subversion. The armed forces would have to invoke Article 92 and/or Article 134, UCMJ, if one of its members were to be punished for subversive activities.

The element of intent and the statutory standards of individual conduct in areas of subversive activity are not clear cut. As a result, the CI investigator must be diligent, perceptive, and precise in his efforts and findings.

Many subversion cases will be based on adverse loyalty information developed during a routine BI, Subversion and Espionage Directed Against U.S. Army (SAEDA) reports submitted by military or civilian personnel under AR 381-12, reports from other intelligence and security agencies, and leads obtained directly from sources used in CI special operations. Note the terminology "criminal subversion," "subversive activity," and "subversion" are clues to the CI Agent to turn to Section 2387 of Title 18, USC, for detailed elements of the crime. The objective of such CTI will usually be to determine if there is a need for some type of administrative action;

for example, removal from a sensitive assignment to protect the security of the military command.

Other statutes and laws pertaining to acts of subversion. Sections 2387 and 2388 of Title 18, USC, prohibit speeches and acts made to cause mutiny, cause insubordination, lower the morale in the military forces, or interfere with recruitment. Section 2388 additionally prohibits, during wartime, the spreading of false rumors to interfere with the war effort. Under these statutes, the government is not required in criminal prosecutions to prove the acts intended by the accused actually occurred. The government would have to show two things:

- * An intent on the part of the accused to bring about the criminal objective.
- * The speeches and acts were of such a nature that one could reasonably infer such speech or acts would cause mutiny, insubordination, or the lowering of morale.

A CI investigation of subversive activity must determine conclusively what act occurred; establish that the activity was detrimental to the national security, based on evidence of prohibitive nature; and establish that the activity did not rise to the level of treason, espionage, sabotage, or sedition.

OTHER ACTIVITIES WHICH MAY WARRANT INVESTIGATION. When a person, who is considered by the major commander concerned to be knowledgeable of classified information (as defined by AR 380-5), is in the absent without leave (AWOL) status (special category absentee (SCA)) the absentee's commander will submit an electrical message through intelligence channels. Investigative action in such cases is directed toward determining the circumstances surrounding the absence and what, if any, classified information could be compromised. Inquiry into the circumstances will seek to learn if there was any intent to defect and if any subversive elements, hostile propaganda, or an intelligence recruiting effort were involved.

A CI debriefing of returned SCA is required. Upon return of an absentee/deserter, the intelligence officer of the individual's unit will report his presence to the nearest supporting CI unit. The CI units will, in turn, determine if the individual is a SCA and, if appropriate, conduct the debriefing.

When a military person absents himself from his unit and seeks asylum in a foreign country, he is identified as Military Absentees in, or Attempting to go to, a Foreign Country or Embassy (MAFOR). MAFOR is defined as "any person who absents himself from his unit and seeks political asylum in a foreign country or embassy, or is voluntarily residing in a foreign country." This includes persons who have attempted to take this action. It also includes those instances where credible information is reported or developed that the individual intends to take such action. It does not include a person stationed in a foreign country who absents himself in the same country unless he seeks political asylum in that country. Although primarily applied to military personnel, DA civilians who meet this definition are also considered MAFOR.

While a MAFOR may not be a SCA, investigating and debriefing procedures and objectives are the same as for SCA. If the MAFOR seeks asylum in a foreign country with interest harmful to those of the U.S., he is considered a defector.

LESSON 2

PRACTICE EXERCISE

The following items will test your grasp of the material covered in this lesson. There is only one correct answer for each item. When you have completed the exercise, check your answers with the answer key that follows. If you answer any item incorrectly, study again that part of the lesson which contains the portion involved.

1. Which is an example of a sabotage target?
 - A. Bridge.
 - B. Tunnel.
 - C. Supply dump.
 - D. All of the above.

2. Are CI Agents tasked with investigating incidents of possible sabotage expected to be technical experts in the chemistry of fires and explosives?
 - A. Yes.
 - B. No.

3. The objective of all espionage investigations is to obtain sufficient evidence to arrest and prosecute the offender.
 - A. True.
 - B. False.

4. Loss through gross negligence and "failure to promptly reports is considered a crime of what?
 - A. Omission.
 - B. Remission.
 - C. Commission.
 - D. Submission.

5. When would an investigation, in which treason is alleged to have occurred, most likely be conducted?
- A. Immediately prior to hostilities.
 - B. During hostilities.
 - C. Immediately after hostilities.
 - D. As soon as the crime of treason is alleged.
6. CII involving sedition will occur only during wartime.
- A. True.
 - B. False.
7. Which article of the UCMJ covers mutiny?
- A. 5.
 - B. 28.
 - C. 94.
 - D. 137.
8. The definition of subversion included in Section 2387 of the United States Code is clear and specific; therefore, CI Agents would have no problems obtaining sufficient evidence to obtain a conviction of any person charged with the offense of criminal subversion.
- A. True.
 - B. False.

LESSON 2

PRACTICE EXERCISE

Answer Key and Feedback

<u>Item</u>	<u>Correct Answer and Feedback</u>
1.	D. All of the above. (page 2-3).
2.	B. No. (page 2-8).
3.	B. False. (page 2-13).
4.	A. Omission. (page 2-12).
5.	C. Immediately after hostilities. (page 2-16).
6.	B. False. (page 2-16).
7.	C. 94. (page 2-17).
8.	B. False. (page 2-18/2-19).

LESSON 3

PHYSICAL EVIDENCE

CRITICAL TASKS: 301-340-1002
301-340-1100

OVERVIEW

LESSON DESCRIPTION:

In this lesson, you will learn how to identify physical evidence of CI interest; to preserve a crime scene through photography and/or sketches; and to fulfill all requirements for the handling of physical evidence to include admission before a judicial proceeding.

TERMINAL LEARNING OBJECTIVE:

ACTIONS: Identify physical evidence of CI interest; prepare sketches; take photographs; prepare evidence tags; account for, store, release, and dispose of evidence; and process a crime scene.

CONDITIONS: You will be given narrative information and illustrations from FM 34-60 and FM 19-20.

STANDARDS: You will process physical evidence of CI interest IAW the provisions of STP 34-97B14-SM-TG.

REFERENCES: The material contained in this lesson was derived from the following publications:

AR 55-355
AR 190-22
AR 195-2
AR 195-5.
AR 380-5
AR 710-2
FM 19-20
FM 34-60
STP 34-97B1

This lesson has two parts:

Part A: Physical Evidence of CI Significance.

Part B. Account for, Store, Release, and Dispose of Evidence.

PART A: PHYSICAL EVIDENCE OF CI SIGNIFICANCE.

Physical evidence is tangible in nature and recognizable in form. It tends to prove or disprove a fact in dispute. It includes all articles and materials collected in connection with an investigation to establish the identity of the perpetrator and the circumstances under which an incident occurred. The articles and materials are used to aid in the prosecution of the offender or to terminate the case.

The importance of physical evidence, which may be encountered in any type of CI operation, is not limited to those investigations likely to result in a trial. Physical evidence of probative value is often essential to the proper determination of administrative actions such as the granting of a security clearance, the issuance of a visa for entry into the U.S., or the admission of an alien into the armed forces.

CI Agents are not expected to be experts on physical evidence. The analysis of various substances normally will require the services of one or more specialists such as ballistics experts, chemists, and fingerprint technicians to fully identify the substance and its relationship to the crime. However, as a CI Agent, you should have a general knowledge of the value, limitations, and characteristics of physical evidence and be able to recognize, collect, handle, and preserve evidence encountered during the course of an investigation.

Documentary Evidence. Documents are the most common items of physical evidence encountered by CI. Manuscripts, magnetic tapes, records, files, reports, sworn statements, photographs, video tape movies, pamphlets, maps, sketches, passports, identity papers, and similar documents are likely to be collected in CI operations.

Questioned Documents. Questioned documents are those whose validity is disputed. Chapter 21, FM 19-20, Law Enforcement Investigations, describes various categories of questioned documents and types of assistance available for criminal investigation experts and laboratories. This assistance may be obtained through liaison with the appropriate provost marshal's office.

Documents Containing Codes and Ciphers. Codes and ciphers (cryptography) are often used in communication between operational elements of espionage agencies. Unless the key to the system has been obtained, the investigator should not expend any time attempting to decrypt the message. The investigator should provide along with a history of the circumstances under which it was obtained and a brief summary of the related investigation, the document should be processed in accordance with the unit standing operating procedures (SOP).

You should also be familiar with the procedures of your unit for obtaining the assistance of appropriate experts and laboratory facilities. It should be noted that some of the information

presented in this lesson pertains to strictly criminal investigations. However, as a CI Agent, you should be familiar with the overall procedures for handling evidence.

Documents Suspected of Containing Secret Writing. Secret writing or the concealment from visible detection of written material by means of invisible inks, specially treated papers, microphotography, and similar systems are also important facets of espionage communication systems. Documents taken from espionage suspects, or otherwise obtained under conditions indicating the possible presence of secret writing, should be tested for indications of secret writing. No attempts should be made to recover any secret text. The material should be forwarded to a facility or agency where the expertise is available.

Other Types of Evidence. Traces and clues often may be found in the form of latent fingerprints; firearms and ammunition; indentations made by tools, tires, or shoes; and from deposits of foreign substances such as fibers, soils, and stains.

Fingerprints. Fingerprints evidence is the most positive means of identifying individuals, since they never change throughout a person's lifetime. Surface fingerprints can be transferred, photographed, and developed by various techniques, thus providing invaluable evidence for purposes of identification. Detailed consideration of fingerprint patterns and methods of collection and preservation are included in chapter 7 of FM 19-20.

Indentations and Fractures. Physical impressions and indentations left in various media are often of value as evidence. Examples would be footprints, tool marks, and tire imprints. Collection and preservation methods are included in Chapter 8, FM 19-20.

Tire imprints may identify a particular vehicle by association of the brand, amount of wear, and unique scars. Direction of travel can often be determined from the direction in which sand, soil, or water was thrown; speed of the vehicle from the distinctiveness of the track; and the weight of the load from the depth of the track.

Footprints may reveal direction and speed of movement, sex, approximate height and weight, and physical deformities. In addition, the brand of footwear may be apparent and provide additional leads.

Firearms and bullets have individual characteristics subject to scientific examination for identification purposes. Each firearm and bullet fired therefrom have individual characteristics which may be detected by expert examination under a microscope. The weapon will have on it the name of the manufacturer, a trademark, serial number, and possibly fingerprints or distinctive features. When discharged, a cartridge casing and bullet will have such characteristics as scratches or indentations associating them specifically with a particular weapon. Collection and preservation methods are discussed in Chapter 9, FM 19-20.

If examined by an expert, glass fractures may reveal the direction of the blow or the type of instrument used to break the glass. The nature of a projectile which pierced the glass can sometimes be identified. Since each type of glass has peculiar characteristics, examination may serve to identify the glass manufacturer and thus provide leads in some investigative situations, Chapter 10, FM 19-20.

Trace Evidence is evidence which is examined and attested to, by laboratory examiners to be admitting in court. Trace items include:

Fibers. Hairs and fibers have distinctive characteristics which may be useful in identification. They may be classified as animal, vegetable, mineral, and synthetic.

Animal fibers include hair, wool, silk, and fur. Each type can be distinguished from another, and many types have individual characteristics which permit further differentiation. By study of the diameter and texture of a human hair, for example, determination can sometimes be made of the race, sex, and general age of the individual.

Vegetable fibers include cotton, linen, Jute, and sisal, each of which has its own distinctive characteristics such as color of dye and number of strands per thread.

Mineral fibers include glass and asbestos.

Synthetics have expanded much beyond the well-known rayon and nylon, but can be distinguished from one another by laboratory analysis.

Soil and Stains. Samples of soil can provide information of value when examined microscopically and chemically. Study may indicate a difference between soil and dust, the latter being composed chiefly of vegetable fibers. Soil analysis may reveal the geological source or general origin, and at times a specific area of origin. Stains resulting from any cause are susceptible to analysis in a laboratory. They may be identified as food, vegetable matter, grease, oil, paint, rust, or body fluids.

Laundry Marks. Dry cleaning, laundry, and other clothing or linen marks, whether they be made with indelible or invisible ink, may provide valuable clues in identification. Police usually maintain records which can help with this type of identification.

Detective Dyes. Police at times use dyes and florescent powders which can be dusted or sprayed on items likely to be handled by suspects. Some of these are virtually indelible; others are invisible, but susceptible to detection under ultraviolet light for prolonged periods after contact.

Collection and preservation methods are outlined in Chapter 11, FM 19-20.

PART B: ACCOUNT FOR, STORE, RELEASE, AND DISPOSE OF EVIDENCE.

HANDLING EVIDENCE. Physical evidence is one of the CI Agent's most valuable assets in pursuing the investigation to a successful conclusion. It produces leads for the investigative action during conduct of the investigation. It aids in establishing guilt or innocence of an accused person in a court. To achieve the maximum benefit from physical evidence, the investigator must not only be skilled in its collection, but he must also know how to handle and care for it. The evidence must be preserved for the development of leads, for laboratory examination, and/or for presentation in court.

Such handling and care involves:

- * Storing the evidence to retain the integrity of the item in its original condition as nearly as possible.
- * Maintaining a chain of custody for the item to assure responsibility and ensure its evidentiary value.
- * Transmitting the item properly to the laboratory for analysis.
- * Disposing of the item when it is no longer of evidentiary value.

DEFINITIONS.

Evidence. Anything that helps to ascertain the truth of a matter or gives proof of a fact. (AR 195-5). Evidence may be physical or testimonial.

- * Physical Evidence - evidence like identified weapons and fingerprints that is obtained by searching crime scenes, tracing leads, and developing technical data.
- * Testimonial Evidence - like sworn statements of eyewitness accounts and admission of guilt is obtained through communication with people.

This lesson addresses only physical evidence. Physical evidence is divided into two general categories:

- * Movable evidence can be picked up at a crime scene or any other location and transported. Examples are tools, weapons, clothing, glass, and documents.
- * Fixed or Immovable evidence cannot be readily removed from a scene because of its size, shape, or makeup. Examples would be walls, telephone poles, and floors.

Fragile evidence is physical evidence which, if special care is not taken to preserve its state, can deteriorate to a point where it is no longer of evidentiary value. It may be movable or immovable. A footprint in the snow is actually immovable, but a cast of it can be taken and preserved so as to be admissible as evidence. Fingerprints can be "lifted" or removed; body fluids can be preserved in their natural state or close thereto.

NOTE: The remaining portion of this lesson addresses the general precepts of handling, packaging, and caring for an item of physical evidence after it has been collected and until it is disposed of.

EVALUATING EVIDENCE. The question invariably arises as to whether an object is or is not evidence. The investigator resolves this question by evaluating the object, in light of the circumstances and conditions you find at the crime scene. You evaluate each piece of evidence, individually and collectively, in relation to all other evidence. Support your evaluation with common sense and sound judgement enhanced by your past experience. If doubt exists, the object is secured and processed as evidence. Later evaluation can determine the worth of such evidence to the investigation and its ultimate disposition.

IDENTIFICATION. The investigator who first receives, recovers, or discovers physical evidence must be able to state positively at a later date that the specific article or item was obtained in connection with a specific investigation. Identification is accomplished when the investigator marks and tags the evidence as it is obtained or collected. The investigator should form the habit of marking and tagging evidence promptly.

Marking. The person initially assuming custody of evidence marks it by inscribing his initials and the military date and time directly upon individual item(s) of physical evidence. Care must be exercised to place the markings so as not to destroy any latent characteristics of the item(s) or to reduce its value as evidence. The investigator should use Judgment and common sense when determining where to mark such item(s). He should first consider how an item is normally handled and how it may have been handled during the crime.

The purpose of marking is to enable the investigator to positively identify the object at a later date. The markings should be inconspicuously placed, especially when the evidence is recovered stolen property and will be returned to the rightful owner. By placing identifying marks in inconspicuous locations, unnecessary marring of personal property is avoided.

When an item of evidence cannot be marked without marring, it is placed in a suitable container, which is sealed with a cover and then both the container and cover marked for identification. Since evidence such as hair, soil, and fluids cannot be marked, they are also placed in suitable containers, which are then sealed and marked.

A carborundum or diamond point pencil is recommended for marking on hard surfaces and ink on other items. The investigator then records the marking and its location in his notebook.

Tagging. Tagging further serves to help the investigator to identify evidence. DA Form 4002, Evidence/Property Tag, contains pertinent data about the evidence and is attached to the article or container (see figure 3-1).

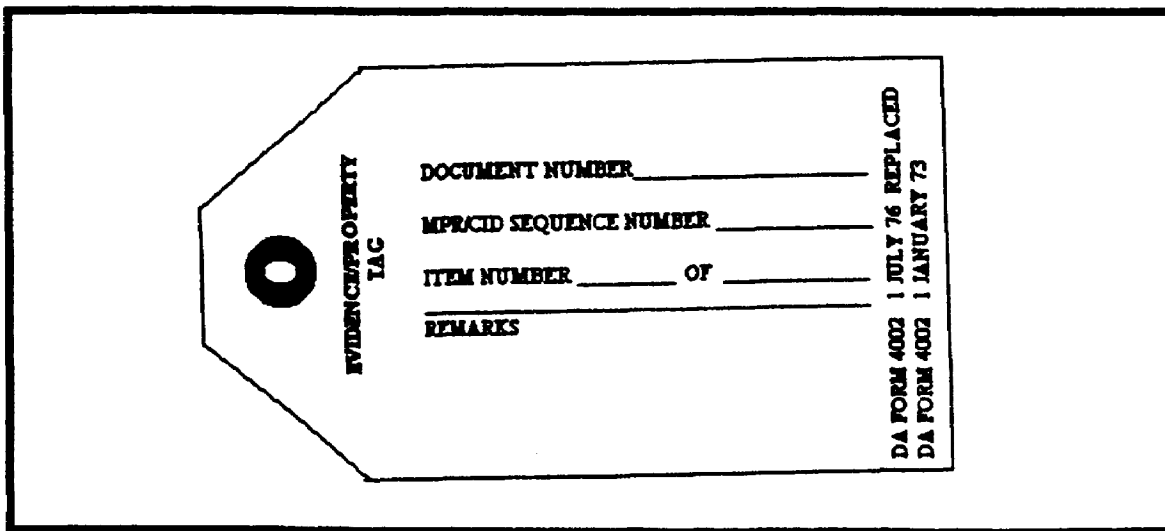


Figure 3-1. DA Form 4002, Evidence/Property Tag.

Evidence must be tagged before it is submitted to the evidence custodian. It should be done at the crime scene when the evidence is collected.

The evidence tag should be completed in ink. The tag aids in the processing and handling of evidence by the evidence custodian and the laboratory examiner. Some of the information needed to complete DA Form 4002, such as document number or MPR/CID sequence number, is extracted from DA Form 4137, Evidence/Property custody Document (See Figure 3-2).

CHAIN OF CUSTODY. The chain of custody begins when an item of evidence is collected and maintained until that evidence is disposed of. The chain of custody assures continuous accountability. If it is not properly maintained, an item may be inadmissible in court.

Chain of custody is a chronological written record of those individuals who have had custody of the evidence from its initial acquisition until its final disposition. Those persons in the chain of custody must be identified on the DA Form 4137, Evidence/Property Custody Document, which is initiated when the evidence is acquired by the CI Agent.

Responsibility. Each Individual in the chain of custody is responsible for that item of evidence. This includes its care, safekeeping, and preservation while under his control. Because of the sensitive nature of evidence, an evidence custodian is provided copies of DA Form 4137 to assume responsibility for the evidence when it is not needed by the investigator or other competent authority such as a lawyer involved in the investigation.

Evidence/Property Custody Document DA Form 413. This form is used to record acquisition, chain of custody, and disposition of evidence. This form is hereafter referred to as the custody document. It is a multiple-purpose form designed to be used as a receipt and record the chain of custody, authority for final disposition, and witnessing of destruction. The form is normally prepared with an original and three copies. Entries should be typed or printed legibly in ink. (Figure 3-2)

The last or third copy is used as a receipt when evidence is received from a person. The original and first two copies go to the evidence custodian. He keeps the original and first copy for his records. The second copy is returned to the CI Agent for inclusion in the case file.

Individual blocks on the Evidence/Property Custody Document should contain the following information:

MPR/CID SEQUENCE NUMBER and CID ROI NUMBER blocks are completed LAW local unit SOP.

RECEIVING ACTIVITY block contains the name of the office or organization conducting the investigation.

LOCATION block contains the installation or base where the office or organization conducting the investigation is located.

NAME, GRADE, AND TITLE OF PERSON FROM WHOM RECEIVED block is completed when evidence is received from an individual rather than from a crime scene. When evidence is obtained from an individual, the OWNER or OTHER block is checked.

When evidence is not received from an individual, an appropriate term such as "crime scene" or "found" is entered in this block, and the OTHER block checked.

ADDRESS block holds the address of the individual from whom the evidence is obtained. If the evidence is not received from an individual, this block is annotated "NA".

LOCATION FROM WHERE OBTAINED block holds the location of the evidence at the time it was acquired by the CI Agent. It may be further augmented by a crime scene sketch.

REASON OBTAINED block is completed by the word "Evidence" when the item is obtained as possible evidence.

TIME AND DATE OBTAINED block contains the military date and time the evidence was acquired by the CI Agent such as "2150, 4 May 90".

ITEM NUMBER block contains a chronological numbering of the separate items appearing on the form which corresponds with the item number shown on the evidence tag. Each item should be assigned a separate item number. When similar items pertaining to the same investigation are not grouped together, it is advisable to list them as separate items. An example would be cartridge casings of the same caliber found in separate locations within the same room. This will facilitate identification by matching the specific item number on the evidence custody document with the evidence tag attached to the item. In cases where like items are found at the same place, but are already grouped when received by the CI Agent, one entry number is sufficient.

QUANTITY block contains the number of items included in each entry.

DESCRIPTION OF ARTICLES block holds a description of each item of evidence. It is detailed accurately and in detail based upon what is actually observed about the object at the time it is acquired. The item's physical characteristics and condition, especially if the item is valuable, are described. The value of articles is never estimated or listed, nor is the type of metal or stone (in the case of jewelry or similar items) stated beyond giving color, size, and configuration. For example, an article appearing to be gold is listed as "gold colored metal". Serial numbers are listed whenever possible. The words "LAST ITEM" are placed in capital letters after the last item listed. These words are centered on the page and solid lines are drawn from the words to the margin on each side of the form.

CHAIN OF CUSTODY block has item numbers, date, released by, received by, and purpose of change of custody. The first entry under RELEASED BY is the name and signature of the individual from whom the property was taken. Should the individual

refuse or be unable to sign, the individual's name is entered in lieu of signature. When the evidence is obtained directly from a crime scene or found by the CI Agent, the first RELEASED BY block contains "NA". The first entry under RECEIVED BY is the CI Agent receiving the property. The purpose of change of custody is described briefly, such as "Evaluation as Evidence" or "Release to Evidence Custodian". This procedure is followed each time there is a custody change. When the CI Agent initially receiving the evidence is also the evidence custodian, the first RECEIVED BY block is completed by the custodian (CI Agent) and the purpose of the change of custody block is, "Received by Evidence Custodian". An original signature is not necessary on all copies of an evidence custody document; however, when signing through carbons, be sure the signature is legible on all copies. If and when any change of custody occurs, it is the responsibility of the person in control of the evidence at that time to ensure that entries of the change are made on the original DA Form 4137, and all appropriate copies. The importance of keeping accurate and complete custody documents cannot be overemphasized.

FINAL DISPOSAL ACTION block is used by the evidence custodian and approving authority in making final disposition of the evidence. This section will normally be completed by the evidence custodian prior to requesting final disposal authority. However, the CI Agent, initially acquiring the evidence, may enter this information in pencil if such disposal action can be anticipated. Any penciled entries must be verified by the evidence custodian and be printed in ink or typed before requesting approval for disposition.

The CI Agent assists the custodian's later disposition of the evidence by completing this section. This is especially helpful in cases of release to an owner when the owner's name does not appear elsewhere on the form. The item number and name and unit of the person to receive evidence are entered after the RELEASE TO OWNER OR OTHER line, such as "Item 1-Owner-SPC Charles Smith, B Co, 2d Bn, 1st Tng Bde". For evidence which will be destroyed, such as controlled substances, the item number and method of destruction are indicated, such as "Item 3 - released to US Secret Service, Final Disposition".

FINAL DISPOSAL AUTHORITY is completed when the evidence is of no further value. The first portion of this section is completed by the evidence custodian, and the second portion is completed by the individual authorized to grant final disposal.

WITNESS TO DESTRUCTION OF EVIDENCE is completed for any evidence destroyed. A witness attests to the destruction by placing his name, organization, and signature in this section. In the CHAIN OF CUSTODY section, the evidence custodian enters the item number of the evidence destroyed, date destroyed, and his name and signature. The word "Destroyed" is placed in the RECEIVED BY column.

The location of evidence while in the depository is written in pencil in the bottom margin, such as "Safe 1, Shelf 1." The document number, a two-part number, assigned chronologically, is reflected in the space provided such as "1-90" and represents the first evidence custody document received by the evidence custodian for the year 1990.

After final disposal of the evidence, the original copy of the evidence document is mailed or hand carried to the official who authorized the final disposal.

A sample of the custody document is shown in figures 3-2 and 3-3.

EVIDENCE/PROPERTY CUSTODY DOCUMENT		MFR. CD SEQUENCE NUMBER		
Per use of this form see AR 190-25 and AR 190-2; the proponent agency is US Army Criminal Investigation Command		CAD REPORT / CD RCI NUMBER		
RECEIVED ACTIVITY		LOCATION		
NAME, GRADE AND TITLE OF PERSON FROM WHOM RECEIVED <input type="checkbox"/> OWNER <input type="checkbox"/> OTHER		ADDRESS (Include Zip Code)		
LOCATION FROM WHERE OBTAINED		REASON OBTAINED	TIME DATE OBTAINED	
ITEM NO	QUANTITY	DESCRIPTION OF ARTICLES (Include model, serial number, condition and unusual marks or scratches)		
CHAIN OF CUSTODY				
ITEM NO	DATE	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME, GRADE OR TITLE	NAME, GRADE OR TITLE	

DA FORM 4137

REPLACES DA FORM 4137, 1 AUG 64, WHICH IS OBSOLETE

Figure 3-2. DA Form 4137 (continued).

ORDER OF CUSTODY (Continued)				
ITEM NO	DATE	ISSUED BY	RECEIVED BY	PURPOSE OF CHANGE OF CUSTODY
		SIGNATURE	SIGNATURE	
		NAME GRADE OR TITLE	NAME GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME GRADE OR TITLE	NAME GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME GRADE OR TITLE	NAME GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME GRADE OR TITLE	NAME GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME GRADE OR TITLE	NAME GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME GRADE OR TITLE	NAME GRADE OR TITLE	
		SIGNATURE	SIGNATURE	
		NAME GRADE OR TITLE	NAME GRADE OR TITLE	

FINAL DISPOSAL ACTION

RELEASE TO OWNER OR OTHER (Print Name) _____

DESTROY _____

OTHER (Specify) _____

FINAL DISPOSAL AUTHORITY

ITEMS _____ ON THIS DOCUMENT PERTAINING TO THE INVESTIGATION INVOLVED _____ (Print)

_____ (Print) _____ (Department) _____ (City and State)

ENCLOSED AS EVIDENCE AND MAY BE DEPOSED OF AS DIRECTED ABOVE IF APPROVED BY THE AGENT OR THE AGENT IN CHARGE OF THE INVESTIGATION (Print Name)

_____ (Print Name, Grade, Title) _____ (Signature) _____ (Date)

WITNESS TO DESTRUCTION OF EVIDENCE

THE ARTICLES LISTED AT ITEM NUMBER _____ (Print) (NAME) DESTROYED BY THE EVIDENCE CUSTODIAN IN MY PRESENCE ON THE DATE INDICATED ABOVE

_____ (Print Name, Department) _____ (Signature)

Figure 3-3. DA Form 4137 (Concluded).

EVIDENCE LEDGER. This is a bound record book (FSN 7530-00-286-8363) kept by the evidence custodian to provide double accountability and to cross-referenced custody documents. Ledgers will be destroyed three years after final disposition has been made of all items entered in each ledger. The ledger is prepared with the following six columns (see Figure 3-4).

- * Document number and date received. Contains the document number assigned to the evidence custody document. The date the DA 4137 was received in the evidence room is entered below this number.
- * MRP number or CID sequence number. The number assigned to the investigation the evidence pertains to. For CI officers maintaining their own evidence facility, utilize the column IAW local SOP.
- * Brief description of evidence. A brief description is entered. Include the item number from the DA 4137.
- * Date of final disposition. Date the evidence as disposed of, as shown in "Chain of Custody" section of DA 4137. When several items are not disposed of on the same date, the date of disposition should be shown opposite its description.
- * Final disposition. A brief note on the means of final disposition is entered.
- * Remarks. Evidence custodian can record any information he/she thinks is necessary.

Document No Date Received	CID Seq/ MPR No.	Brief Description Of Evidence	Date of Final Disposition	Final Disposition	Remarks
1- 93 2 JAN 93	76-005	1. .22 CAL PISTOL SN 12345 W/ MAGAZINE. 2. .22 CAL EXPENDED CASING "NE" 3. .22 CAL EXPENDED CASING "T" 4. EMPTY .22 CAL AMMO BOX	2 FEB 93 ALL ITEMS	REL TO ATF DESTROYED DESTROYED DESTROYED	

Figure 3-4. Evidence Ledger Sample.

PHOTOGRAPHY AS EVIDENCE. A photograph may be valuable as evidence since it presents facts in pictorial form and creates mental impressions more vivid and realistic than those achieved by words alone. It presents evidence more accurately than the verbal description and permits consideration of evidence which, because of size, bulk, weight, or condition, cannot be brought into the courtroom. A photograph also reduces the need for lengthy descriptions and explanations.

Rules Pertaining to Photographs as Evidence. In order to qualify for admissibility as evidence, photographs must have been made in accordance with the following general rules:

- * The represented object must be material to the case under trial.
- * The photograph must be free of distortion.
- * It must be verified by a person who is personally acquainted with the locality, object, person, or thing represented and who is able to state that the photograph represents the appearance of the subject matter in question.
- * Nothing must be removed or altered at the scene of an incident prior to the taking of the photograph unless absolutely necessary; then, a note should be made indicating the reason for the removal or alteration.
- * Although not a prerequisite for admissibility as evidence, photographs should be supported by notes made at the time of photography. The notes provide a description of what the photograph includes: case number or name of the subject; time and date; lighting and weather conditions; plate, film, lens, and type of camera; time of exposure and stop used; specific reason for taking the photo; location of the camera; compass direction; and specific reference to all important objects portrayed. Any one of these details may be important during a trial, particularly if the photograph is challenged. The notes should be retained by the investigator (photographer) in format similar to the Photo Data Card shown in figure 3-5.

Further information on the use of photography is found in appendix A.

PHOTO DATA CARD

Case number: _____ Subject: _____ Photographer: _____

Location: _____ Date: _____

Time of Day: _____ Weather Conditions: _____

Camera: _____ Negative Size: _____

Lens (Type): _____ Focal Length: _____

Diaphragm Setting: _____ Shutter Setting: _____

Film: _____ Filter: _____

CAMERA POSITIONS

A. Compass Reading: _____ B. Height: _____

C. Lateral Position: _____ D. Tilt: _____

Artificial Light Used: _____ Developer: _____

Developing Time: _____ Temperature: _____

Agitation: _____ Method of Printing: _____

Contrast: _____ Enlarger Lens: _____

Paper: _____

Distance between Important Objects in View: _____

Description of Area: _____

Remarks: _____

Figure 3-5. Photo Data Card.

EVIDENCE TRANSMITTAL.

Transmittal Methods.

The method used to transmit evidence to the crime labs depends on the type of evidence and how urgently the results are needed. There are three methods: first class registered mail, handcarry, transported by Government carrier.

Wrapping, Packaging, and Transmitting.

A package wrapped for shipment to the laboratory consists of evidence from only one investigation. Each item of evidence within the shipping container should be in its own separate package. Violation of this procedure can result in contamination of evidence and problems in chain of custody.

Pack each item of evidence that will minimize friction and prevent shifting, breaking, leaking, or contact with other evidence. Pack in cotton or soft paper items that are particularly susceptible to being broken, marred, or damaged.

Items such as glass fragments, evidence in glass containers, impressions, casts, ammunition, bullets, cartridge cases, tablets, and capsules particularly susceptible to breaking, should be packed in cotton or soft paper.

Fingerprints. When evidence is to be examined for fingerprints, each item of evidence should be packed in a manner that prevents damage to the fingerprints. This is accomplished by fastening the object in the container so it will not shift. No other object may come in contact with the object suspected of containing fingerprints. Items should be dry before packaging.

The nature of the evidence will govern the use of warning notices to be affixed to the outside wrapper or box, such as "Fragile", "Expedite", or "Corrosive".

Stains. Items that contain stains, such as clothing with stains of blood or other body fluids, should not be placed in airtight plastic containers, "sweating" and moisture accumulation may result within such containers, contaminating the evidence. Such items must be dry before packaging.

Liquids. Liquid evidence, with the exception of explosives, oils, and gasoline, should be packed in all-glass, sterile bottles or other containers and sealed with wax or other suitable material.

Small Objects. In general, small solid items, such as bullets, fibers, hair, paint scrapings, powder, powder patterns, and threads should be placed upon a piece of plain paper; the paper folded. This should be packed in separate pill or powder boxes, paper containers or druggist folds and sealed with adhesive tape, wax, or other suitable material.

Paper or String. Documents, string, twine, and rope should be placed in an inner cellophane envelope and an outer manila envelope. Cellophane is not suitable for packing any item which will rust or corrode.

Materials bearing traces of accelerants like those recovered in an arson or sabotage investigation should be sealed in a vapor tight container such as a mason jar. They should not be sent in plastic bags because accelerants will leak through plastic.

Growing plant material should not be placed in airtight plastic containers as moisture accumulates, making examination difficult. Growing plants should either be dried before shipment or wrapped in porous paper. The laboratory should be notified in advance of the shipment.

Packages containing items of evidence that require careful or selective handling while in transit label "Corrosive", "Fragile", "Keep Away From Fire", or "Keep Cool".

Federal laws prohibit transmitting certain items through postal channels. If there is any question of mailing, the nearest postmaster should be consulted.

Chemicals, gases, unexploded bombs, detonators, fuses, blasting caps, and other explosive or inflammable materials cannot be sent by mail. Transmittal of these items of evidence must conform to the provisions of AR 55-355, Military Traffic Movement Regulation; Interstate Commerce Commission regulations; and appropriate state laws and municipal ordinances.

Before such items are forwarded, the laboratory must be notified the shipment is planned and must acknowledge receipt of notification. In your notification give details of how the materials are packed. This will reduce the danger involved in unpacking those items at the laboratory.

NOTE: More details can be found in appendix B of this manual or refer to the appendix in FM 19-20 for further details.

Transmittal of Classified Evidence. For transmittal of classified evidence three wrappers should be used:

- * Inner wrapper. The sealed container is wrapped and property sealed. The full address and return address of the transmitting agency should be placed on the wrapper. When appropriate, the notation "evidence-to be opened by laboratory personnel only" and the classification of contents are placed on all six sides of the package. An envelope containing two additional copies of the evidence receipts, plus two copies of DA Form 3655, Crime Lab Examination Request, should be affixed to the inner wrapper.
- * Middle wrapper. The package is then wrapped and sealed a second time. The markings are the same as for the inner wrapper, except no notation is made that the package contains evidence.
- * Outer wrapper. The package is then wrapped a third time and again sealed. The outer wrapper bears only the two addresses; however, a special handling notation must be made if the evidence is perishable, flammable, fragile, explosive, corrodible, or corrosive.

Submitting Evidence to a Crime Lab. The following steps must be followed when preparing evidence for submission to a crime lab:

- * DA Form 3655, Crime Lab Examination Request (Figures 3-6 and 3-7), is completed in an original and two copies. One copy is maintained in the investigative case file.
- * Each item of evidence is labeled to correspond with the entries on DA Form 3655 and packed securely in a box. Documentary evidence may be placed in an envelope or series of envelopes which are in turn placed in another envelope. Each item of evidence must be wrapped separately.
- * The box or envelope containing the evidence is sealed with tape or glue.

CRIME LAB EXAMINATION REQUEST for use of this form, see AR 196-6 the proponent agency is the United States Army Criminal Investigation Command		LAB USE ONLY	
		REFERRAL NUMBER	
TO (include zip code) Commander US Army Criminal Investigation Laboratory Ft Gordon, GA 30905 ATTN: Chemistry Division	FROM (include zip code) Commander Ft Benning Field Office Third Region, USACIDC Ft Benning, GA 31905	RECEIVED	RETURNED
		Regs Mail	Regs Mail
		RV EXP	RV EXP
		HAND	HAND
		Date	Date
		Received By	
EVIDENCE RECEIPT			
		RECEIVED	RECEIVED
1. Contributor Case Number	2. Investigator's Name	3. Autovon & Phone Number	
4. SUSPECT (S) (Last, First and middle names)			
5. VISTIM (S) (Last, First and middle names)			
6. Type of Offense	7. One Copy of Evidence Receipt inclosed Yes No	8. Other evidence Previously Submitted Yes No	
9. If "YES" in items, list other suspect, date submitted, unit case and laboratory referral number.			

Figure 3-6. DA Form 3655, Crime Lab Examination Request. (Continued)

* The sender should place his initials or signature across the sealed flap of the inner envelope or across the paper tape used to seal the inner box and cover his initials or signature with transparent tape.

- * The original and one copy of DA Form 3655 plus the original evidence custody document are placed in an envelope, which is sealed and addressed to the laboratory with an attention line to the specific division (document, fingerprint, firearm, and so on).
- * The sealed envelope is securely taped to the box or envelope containing the evidence.
- * The box containing the evidence is then wrapped in heavy paper and sent via first class or registered mail, express, or hand-carried to the laboratory. If postal or express channels are used, the evidence is accompanied by a request for a return receipt from the laboratory (Postal Form 3811).

NOTE: In the case of classified evidence, investigators must comply with the provisions of AR 380-5.

IS EVIDENCE SUBMITTED IF (indicate)		
EXHIBIT	DESCRIPTION OF EXHIBIT	
<p>1. Determine if Exhibit 1 is marijuana and the amount thereof.</p> <p>2. Determine if Exhibit 2 contains LSD or any other narcotic or controlled substance and the amount thereof.</p>		
Evidence above has not been examined by another expert in the same scientific field.		
<small>TYPE/PRINT/NAME OF REQUESTOR</small> HARVEY S. JAMES	<small>SIGNATURE</small> /s/ HARVEY S. JAMES	<small>DATE</small> 2 Jan 76

Figure 3-7. DA Form 3655 Crime Lab Examination Request (Concluded).

Temporary Release of Evidence. Evidence may be removed from the evidence room only for permanent disposal or temporary release for specific reasons. The most common reasons for temporary removal are:

- * Transmittal to a crime laboratory for forensic examination.
- * Presentation at a courts-martial or hearing conducted under Article 32, UCMJ.

The person evidence is released to will sign for it in the "Received By" column on the "Chain of Custody" section on the original and first copy of DA Form 4137. The person receiving the evidence must safeguard it and maintain the chain of custody until it is returned to the evidence custodian. The evidence custodian will release the original DA Form 4137 to the person who assumes temporary custody, or to first class mail or other transmittal channels, along with the evidence. He will then put the first copy of the DA Form 4137 in a suspense folder. When the evidence is returned, the original DA Form 4137, properly annotated by the custodian and the person returning the evidence, will be put in the evidence document file. The first (suspense) copy, with the chain of custody properly annotated, will be refiled with the original DA Form 4137.

When items on the same DA Form 4137 must be temporarily released to more than one agency or person at the same time, additional copies will be used and processed as above. A note will be made on the original and first copy indicating that additional copies have been made. The chain of custody for all evidence will be recorded on the first copy of the DA Form 4137.

Personnel receiving evidence, either on a temporary or a permanent basis, will be required to present identification to ensure evidence is only handled by authorized persons.

Transmittal to US Army Criminal Investigation Laboratory (USACIL). Requests for USACIL analysis should be coordinated with and made by the local CIDC elements. This will ensure that items of material value or physical evidence in an investigation are not mishandled, improperly accounted for, or contaminated. It will also ensure USACIL elements are aware of incidents of suspected criminal activity as defined in paras 3-1 through 3-3, AR 195-2.

Even when CID personnel have no direct interest in materials being shipped to USACIL, they can still be of assistance by providing proper laboratory request forms, addresses, and advice on packaging and transmittal. The date, name, and unit of the CID representative coordinated with will be entered in Item 11 of DA Form 3655. More detailed instructions pertaining to the release of various items of evidence may be found in AR 195-5.

FINAL DISPOSITION OF EVIDENCE. Evidence will be disposed of as soon as possible after it has served its purpose or is determined to be of no value as evidence. Evidence released to a trial counsel for judicial proceedings will be returned as soon as possible to the custodian for final disposition. If an item of evidence is made part of the record of trial, the trial counsel will immediately notify the custodian so the DA Form 4137 can be properly annotated. This will be considered final disposition.

When final action has been taken in known subject cases, the original custody document will be sent to the Staff Judge Advocate (SJA) of the commander with general courts-martial jurisdiction over the subject. The SJA will complete the final disposal authority part of the DA Form 4137 if the evidence is no longer needed. When evidence must be retained, this part of the form will not be completed; a brief statement giving the reason for keeping the evidence will be furnished to the evidence custodian on separate correspondence. In unusual cases, where there is a high risk of losing the original DA Form 4137, (for example, isolated units that must mail the DA Form 4137 to the servicing SJA for disposition approval), a letter or memorandum for record may be substituted for disposition approval. When this method is used, enough information will be furnished to allow the SJA to make a decision. The return correspondence from the SJA giving disposition approval will be attached to the original DA Form 4137 for filing.

Evidence in an investigation for which no subject has been identified may be disposed of 3 months after completion of the investigation without SJA approval; it may be disposed of earlier with SJA approval. However, care must be taken with serious crime, when it is possible a subject may later be identified. In such a case, it may be advisable to keep the evidence longer than 3 months. When the subject is not known, evidence custodians will obtain the approval of the commander, SJA, provost marshal, or representative, as appropriate. This approval will be given by completing the final disposal authority section of the original DA Form 4137.

When evidence is permanently released to an external agency, the final disposal authority part of the DA Form 4137 will be completed. This will be considered final disposition of the evidence.

Items in the evidence room that, after laboratory analysis, seem to have no value as evidence may be disposed of after consulting with the proper SJA. Items of possible evidence that are determined to have no value as evidence by the CI Agent before being sent to the evidence custodian, may be disposed of by the agent; this is done only after consulting with the immediate supervisor and getting approval. This does not include found controlled substances. In unusual cases, oral approval may be obtained followed by written approval.

When it is not practical or desirable to keep items of evidence, (eg. automobiles, serial numbered items, items required for use by the owner, undelivered mail, large amounts of money, and perishable or unstable items) disposal action may be taken immediately. If such items can be immediately disposed of, it will not be necessary to enter them into the evidence room. This will be coordinated with SJA. The SJA will complete the final disposal authority portion of the DA Form 4137. If it is not possible to get written approval of the SJA before the disposal of the evidence, oral permission will be obtained, followed by written approval.

The guidance below on evidence disposal will be followed. When a legal question on methods of disposal comes up, the SJA will give legal advice.

- * (1) U.S. government property will be released to the organization to which issued.
- * (2) Personal property that is legal to own will be released to its rightful owner.
- * (3) U.S. government treasury checks and money orders from any APO money order facility will be returned to the issuing APO.

- * (4) Other types of negotiable instruments (eg. money orders, travelers checks, and checks) owned by a business firm will be released to the firm. If the firm does not want them returned, they will be destroyed.
- * (5) Except as provided for in (3) above, US postal money orders that cannot be identified as the property of a specific person will be sent to the Military Money Order Division, Postal Data Center, P.O. Box 14965, St. Louis, MO 63182. A letter of transmittal that has the investigative case number, date of final report of investigation, offense, and complete identification or both subject and victim will be included. The letter will also state that information on the ROJ. If it is foreseen that postal money orders will be kept as evidence for more than 120 days from the date received by the evidence custodian, a first class letter will be sent immediately to the Military Money Order Division, Postal Data Center; it will list the serial number and symbol number of each money order and the reasons for retention. This may prevent the issue of duplicate money orders.
- * (6) Negotiable instruments and other documents obtained from a person will be returned, unless the owner does not want them. In this case, they will be destroyed.
- * (7) Known document standards will be released to the agency or person from whom received or the rightful owner, unless they are not wanted. In this case, they will be destroyed.
- * (8) Exemplars and other documents of no value to the person or agency from whom received will be destroyed.
- * (9) Items of personal property that belong to deceased or missing Army personnel will be released to the summary court officer appointed to dispose of the decedent's effects.
- * (10) Controlled substances will be destroyed in the presence of a witness who is a CID Special Agent or in the grade E-6 or above. The witness must not be involved in the chain of custody. Destruction will be by burning or by a method that will make it permanently useless.
- * (11) Normally, counterfeit currency and coins, counterfeiting equipment will be released to the nearest office of the US Secret Service (USSS), unless the USSS directs otherwise.
- * (12) Firearms and ammunition may be disposed of as follows:
 - (a) U.S. government firearms and ammunition kept as evidence will be returned to the-proper military unit. If the unit cannot be identified, they will be released to the installation accountable officer, IAW paragraph 2-5, AR 710-2.

(b) Contraband firearms and ammunition kept as evidence will be released to the nearest office of Alcohol, Tobacco, and Firearms (ATF) Divisions, U.S. Treasury Department (18 USC 924d). This includes firearms and ammunition that were used or intended to be used in committing a crime. U.S. Government property is excluded. ATF Form 4631 (Request for Forfeiture), available at local ATF offices, must be filled out and sent to ATF along with a copy of the investigative report.

When ATF does not accept such weapons, they will be released to the supporting DPDO for destruction, per DOD 4160.21-M and DOD 4160.21-M-1. ATF's refusal will be documented; this will be attached to the proper DA Form 4137. In all cases, the evidence custodian will witness the destruction of weapons at DPDO facilities. Ammunition refused by ATF will be released to the nearest ammunition supply point or depot.

(c) In oversea areas, weapons described above will be turned in to the servicing DPDO. The DPDO will demilitarize them on a mutually agreed upon date. Ammunition described above will be turned in to the nearest ammunition supply point or depot.

(d) Legal personal weapons impounded for minor infractions, (eg. failure to register per local laws), must be returned to the rightful owner when the requirements have been met and they are no longer needed as evidence.

- * (13) When evidence is of obvious value and the owner is unknown or cannot be located, it will be turned in to the Defense Property Disposal Office (DPDO) per DOD 4160.21-M.
- * (14) items of evidence found at crime scenes that have no known owner and are of no obvious value (eg. match books, beer cans, bottles, glass fragments, and wooden sticks) will be destroyed in the presence of a witness. Crushing, burning, or other methods will be used to render the items useless and harmless.
- * (15) When the owner of the money is not known or cannot be located after reasonable attempts, the money will be turned in to a U.S. Army Finance Officer. A DD Form 1131 (Cash Collection Voucher) will be used. A copy of the DD Form 1131 will be attached to the original custody document.
- * (16) Post exchange Items, commissary items, and items illegally Introduced into a host country, that are connected with black market, customs, and postal investigations, will be disposed of per--
 - (a) Local regulations.
 - (b) Status of forces agreements, and
 - (c) Law or customs of the host country.

LESSON 3

PRACTICE EXERCISE

The following items will test your grasp of the material covered in this lesson. There is only one correct answer for each item. When you have completed the exercise, check your answers with the answer key that follows. If you answer any item incorrectly, study again that part of the lesson which contains the portion involved.

1. You have a document containing cryptography, for which you do not have the key. What is your action?
 - A. Attempt to decrypt the message.
 - B. Process it in accordance with the unit standing operating procedures (SOP).
 - C. Take it to the nearest cryptofacility for decryption.
 - D. Forward it to the CCO.

2. What are the most common items of physical evidence encountered by CI personnel? (Write in your answer)

3. Which may reveal the sex, approximate height, and weight of an individual?
 - A. Fingerprints.
 - B. Footprints.
 - C. Hair.

4. If the items of evidence are small, is it permissible to consolidate the evidence from two or more investigations into one package to ship to the laboratory?
 - A. Yes.
 - C. No.

LESSON 3

PRACTICE EXERCISE

Answer Key and Feedback

<u>Item</u>	<u>Correct Answer and Feedback</u>
1.	B. Process it in accordance with the unit standing operating procedures. (page 3-2).
2.	Documents are the most common items of physical evidence encountered by CI. (page 3-2).
3.	B. Footprints. (page 3-3).
4.	B. No. (page 3-15).

APPENDIX A

CRIME SCENE PROCESSING

Successful crime scene processing depends upon the investigator's skill in recognizing and collecting items and facts that may be valuable as evidence.

When processing a crime scene, the investigator must:

- * **PROTECT** the crime scene from destruction or contamination.
- * **PRESERVE** all items and facts of evidentiary value obtained at the crime scene. This includes making sketches and notes; photographing the scene; collecting trace evidence and fingerprints; questioning suspects, victims, and witnesses; and marking evidence.
- * **PRESENT** the findings made from crime scene processing. This is the purpose of protecting and preserving the crime scene.

The investigator must attempt to reconstruct what actually occurred during the crime, and if testifying in court, be able to logically and positively identify all facts and items obtained during his investigation. The purpose of this appendix is to acquaint the investigator with—

- * **Searching for collectable evidence.**
- * **Making investigative notes and sketches.**
- * **Photographing the crime scene.**

CRIME SCENE PROCEDURE.

Initial Actions.

Depending on the type of crime committed and the location, the crime scene is the area surrounding the location, to include all direct traces of the crime. The investigator should note the name and position of the person notifying him and the time the crime was reported.

Upon arrival at the scene, the investigator should do the following:

- * **Record the date, arrival time, and weather conditions.**
- * **If an injured person is on the scene, arrange for medical attention, identification, and removal. The scene is disturbed only to the extent necessary to have medical aid rendered to the injured or to have a doctor examine a deceased victim. Consideration should be given to providing a searched pathway to the victim.**
- * **If the offender is at the scene, apprehend him.**

- * If the scene is not fully protected, ensure its protection by using MP or other responsible persons to keep curious persons away from the scene and keep witnesses, suspects, and victims present from disturbing the scene. It may be necessary to reroute traffic or take other action to prevent any disturbance of the scene until a complete examination is made.

Evidence. The body of a deceased victim should not be covered until thoroughly processed for evidence. Premature covering could result in destruction or alteration of valuable trace evidence.

Immediate action is taken to protect items of possible evidentiary value that may be destroyed by rain, snow, fire, or other causes. For example, a raincoat or piece of canvas may be used to cover impressions in the earth that are exposed to rain. Wooden or paste board boxes may be placed over impressions in snow. Items that will melt must be shielded from the sun or other heat sources. Objects such as food and blood should be covered to protect them from contamination.

Witnesses. Determine and record the names of persons at the scene who may be witnesses and separate them. These persons should be removed from the immediate area of the scene as soon as practicable.

Conduct preliminary questioning of witnesses, suspects, and victims to determine in general the extent of the incident or crime. Record all movements made at the scene and what items persons have touched.

Note the names of all persons present. Those present within the immediate area of the scene should be only the minimum needed to assist the investigator. It may be necessary to request military or other officials present to refrain from examining or disturbing objects or aspects of the scene.

Investigating personnel must maintain CONTROL and SECURITY of the crime scene.

RECORDING.

The investigator begins the process of recording pertinent facts and details of the investigation the moment he arrives at the crime scene.

He writes down identification of persons involved and what he initially sees. He also draws a rough sketch of the crime scene and takes an integrity photograph. This is accomplished to ensure that an image of the crime scene is recorded before the scene is disturbed. The recording continues for the duration of the crime scene processing. Techniques for recording sketches and investigative notes are discussed later.

SEARCHING FOR EVIDENCE.

Each crime scene is different, according to the physical nature of the scene and the crime involved. Consequently, the scene is processed to develop essential evidentiary facts pertinent to the offense. A general survey of the scene is always made, noting the location of obvious

to the offense. A general survey of the scene is always made, noting the location of obvious traces of the action, probable entry and exit point used by the offender(s), and the size and shape of the area involved.

In rooms, buildings, and small outdoor areas, a systematic clockwise circle search for evidence is often initiated. (A counterclockwise or any other systematic movement may be just as effective in the search. However, in the interest of uniformity, it is recommended the clockwise movement be used).

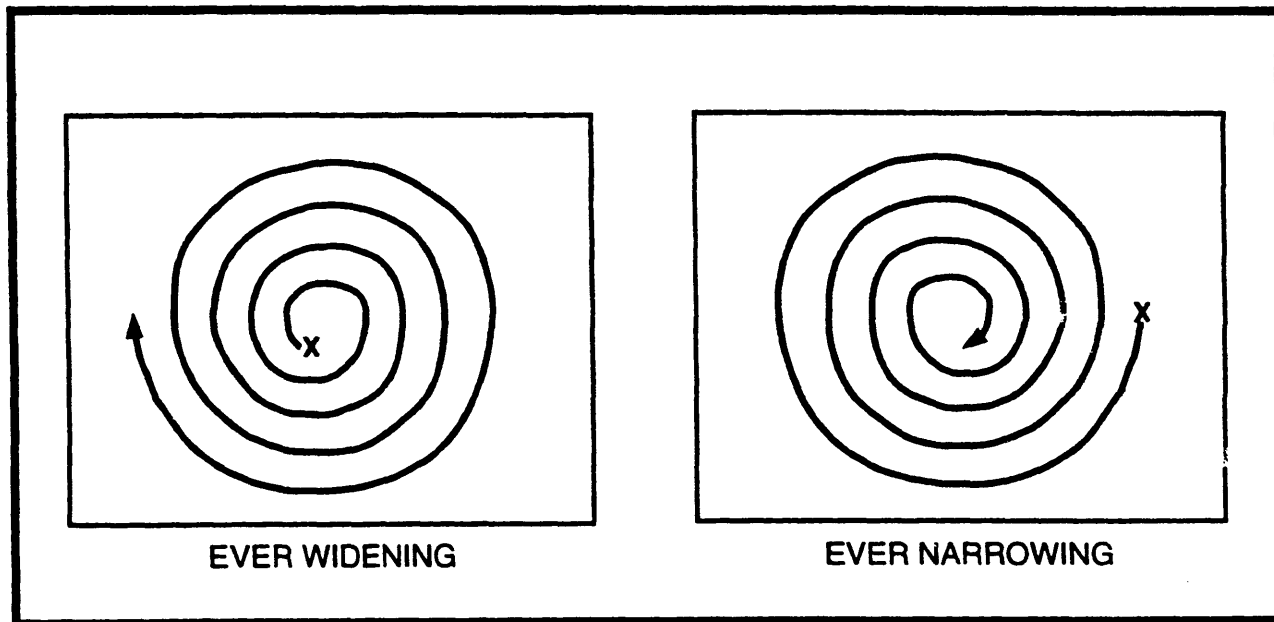


Figure A-1. Circle Search.

The investigator examines each item encountered at the scene to locate anything that may be of evidentiary value. He should accomplish the following:

- Give particular attention to fragile trace evidence that may be destroyed or altered if it is not collected immediately.
- If any doubt exists as to the value of an item, treat it as evidence until proven otherwise.
- Ensure each item or area where latent fingerprints may be present is closely examined and action taken to develop the prints.
- Carefully protect any impressions of evidentiary value in surfaces conducive to making casts or molds. Photograph the impression and make a cast or mold.
- Note stains, spots, and pools of liquid within the scene and treat them as evidence.

- * Note any peculiar odors emitting from the scene.
- * Treat as evidence all other items, such as hairs, fibers, and earth particles foreign to the area in which they are found. This includes scrapings under the victim's fingernails. (Small bags, used to cover the hands of deceased victims, would prevent loss or destruction of trace evidence.)
- * Continue systematically and uninterruptedly to the conclusion of the processing of the scene. The search for evidence is initially completed when, after a thorough examination of the scene, the rough sketch, necessary photographs, and investigative notes have been completed and the investigator has returned to the point from which the search began. Further search may be necessary after the evidence and the statements obtained have been evaluated.

In large outdoor areas, it is advisable to divide the area into strips about 4 feet wide. The search starts at one end and moves back and forth across the area from one side to the other. A grid search takes place after a strip search is completed. It covers the area in a similar manner, but from end to end.

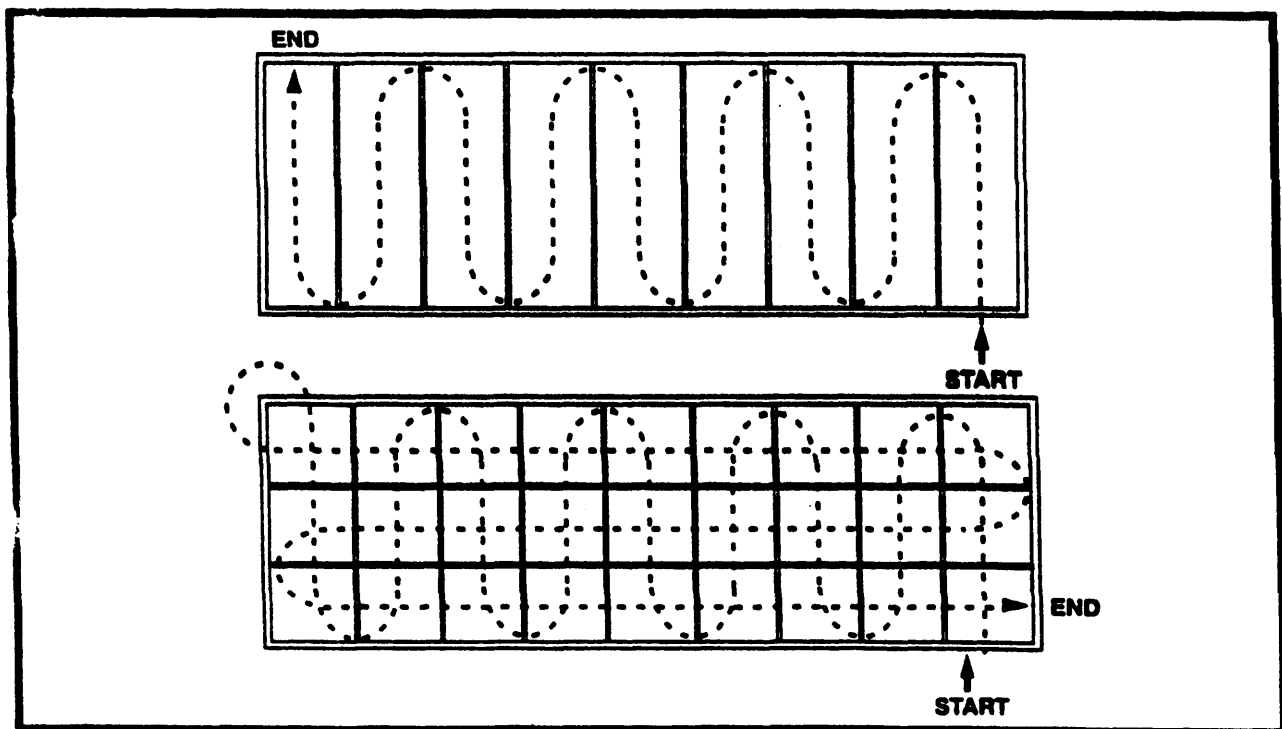


Figure A-2. Strip Search and Grid Search.

Indoor or outdoor areas may also be divided into zones or sectors, which are searched as individual areas (see two examples in Figure A-3).

It may be advisable to make a search beyond the area considered to be the immediate scene of the incident. If so, persons needed to accomplish the search may be secured from an MP or other available unit.

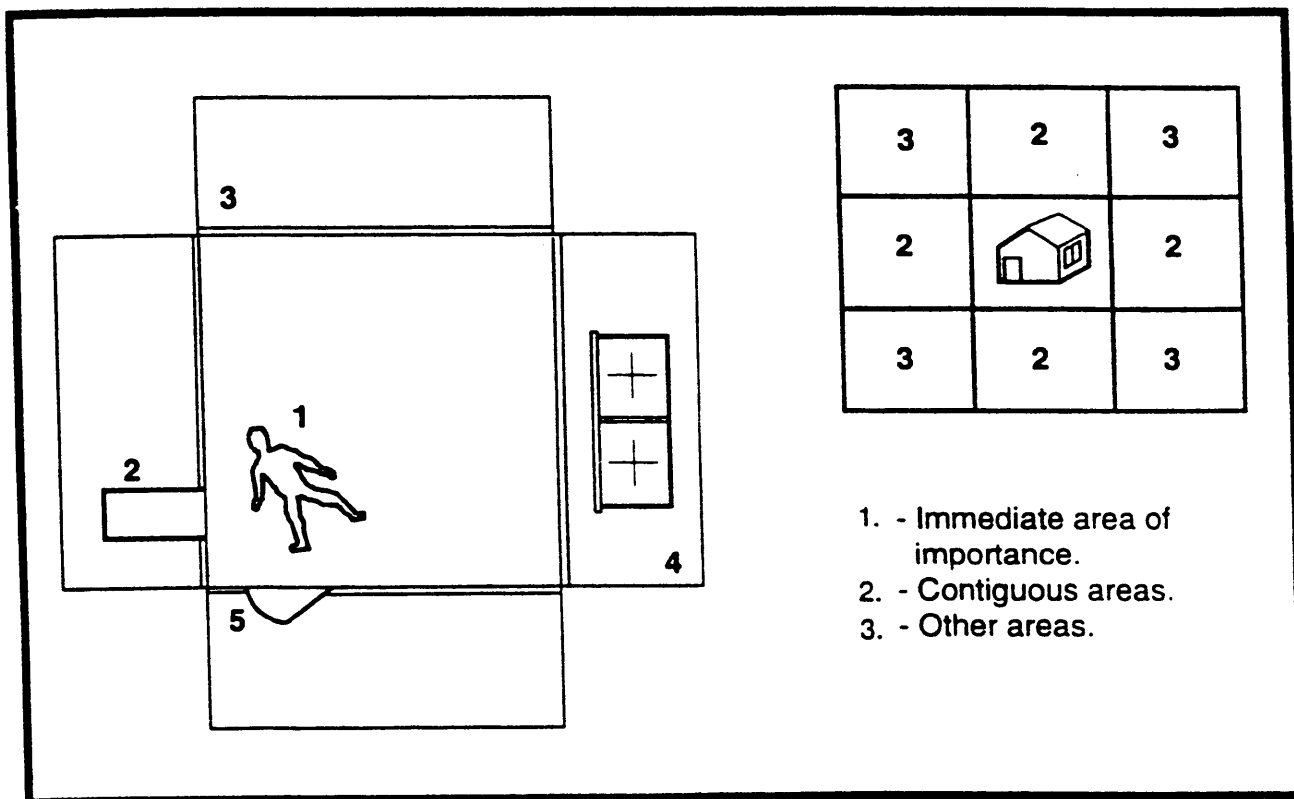


Figure A-3. Zone or Sector Search.

All persons participating in the search must be thoroughly briefed as a minimum on the following points:

First: A full description of the item(s) being sought.

Second: All information available as to how the item(s) may have been hidden or discarded.

Third: The action to be taken when the item(s) is/are found. The searchers should be emphatically informed that when they discover an item believed to be the one being sought, or one similar, they should immediately notify the investigator in charge of the search, refrain from touching or moving the item and protect the area until the investigator arrives.

After completing the search of the scene, the investigator examines the object or person actually attacked by the offender. For example, a ripped safe or desk drawer that has been opened would be processed after the remainder of the scene has been examined for traces of the offender.

COLLECTING EVIDENCE

Collecting evidence at a scene is usually accomplished after the search has been completed, rough sketch finished, and photographs taken. It may be advisable under certain conditions to collect various fragile items of evidence as they are found. Those items that would impede further search should be collected when they are located and depicted on the sketch. The essential factor is that evidence be carefully and properly collected.

The investigator must handle evidence as little as possible. Rubber gloves may be used. See table 1 for recommended methods of handling specific items that may be collected at a scene.

Table I. Recommended Methods for Handling Crime Scene Items.

<u>Items</u>	<u>Method</u>
Handguns	Use your fingers on the knurled grip. Do not touch smooth grips of smooth metal parts. Use the tip of the grips. Do not touch the magazine base of pistols. Place in a box bracing the weapons at the front and rear.
Paper, money, documents, paper	Use tweezers. Do not place tweezers over any obvious smudge. Place each item in a clean envelope or bag.
Broken glass	Use your fingers on the edges of larger pieces. Do not touch flat surfaces. Use tweezers on pieces too small for your fingers. Do not grasp at points of any obvious smudges. Wrap pieces individually in clean tissue, place in a rubbing box, and stabilize to prevent rubbing, shifting, or breakage.
Dried stains on smooth surface furniture	Collect portions of furniture bearing surfaces of of furniture stain in original patterns, if possible, otherwise, scrape with pocket knife or putty knife, removing as little of the finished surface as possible.
Bottles, jars, drinking glasses	Insert two or more fingers into large mouth vessels. Place the index fingers on the top and bottom of small mouth vessels. Do not contaminate or spill any substance in the vessel that may be of evidentiary value.
Bullet	Use your fingers or tweezers with taped ends. Avoid damage to rifling marks on the circumference. Place in a pillbox.
Cartridge case	Pick up at the open end with tweezers. Avoid scratching. Place in a pillbox.
Dried stains on a floor	Collect portion of floor bearing stain in original pattern, if possible; otherwise, remove by gouging deeper than the stain with putty knife, wood chisel, or other necessary tool. Place in pillbox or larger similar container.

If the investigator touches a piece of evidence in a manner that leaves his fingerprints on the article, he indicates this fact in his notes and informs the laboratory personnel if they make an examination of the evidence. The investigator's and the victim's fingerprint cards should be forwarded with latent prints to decrease delay of latent identification.

It may be necessary to damage, partially destroy, or otherwise decrease the effectiveness of an article to collect important evidence. For example, it may be necessary to cut the upholstery on a piece of furniture to obtain an area stained with blood or to cut out a section of a wall to collect fingerprints that cannot be collected by other means. Such action is based on the merits of the individual case. A door or window may be removed from a building to have it processed at a laboratory or held as evidence.

The investigator should ensure necessary measures are taken to protect the contents of a building or room from which a door or window is removed.

When collecting evidence at the scene for laboratory analysis, the amounts needed will depend upon the type of evidence and the test to be conducted.

For proper evaluation of a stain by laboratory technicians, control samples should be submitted in addition to the collected stains. For example, a stain, soil, or porous surface is collected by dipping or gouging beneath the stain. Unstained portions are also collected and identified as control samples. The integrity of control samples is preserved as carefully as that of evidence.

Marking Evidence for Identification.

The investigator places his initials, date and time of discovery of each item of evidence, so it can be identified by him at a later date. These marks should be placed on the item of evidence as soon after discovery as is feasible and in a place least likely to affect the appearance, monetary, or evidentiary value of the item. Evidence that cannot be marked should be placed in a suitable clean container, sealed, and the identifying marks placed on the container. The investigator makes appropriate notes, to include a description, in his notebook at the time the evidence is marked.

In instances in which several items with the same appearance are collected, the investigator places an identifying number on each item and indicates, by that number, in his notes and on the sketch where each item was found.

If a bullet, a knife, or other item on which the investigator would normally place his initials cannot be marked in the recommended manner, the item is placed in a suitable container and the container is marked for identification.

Additional information on marking evidence can be found in lesson 3 of this subcourse.

GENERAL EVIDENCE PROCESSING.

Tagging evidence. Physical evidence the investigator obtains must be tagged prior to its submission to the evidence custodian. This action should take place at the scene of the crime when the evidence is collected, at the place of receipt, or as soon thereafter as possible. The tag serves as an aid in the processing and storage of evidence (see lesson 3).

Evaluating evidence. Frequently, the successful conclusion of an investigation depends on an accurate evaluation of the evidence. Each item of evidence must be evaluated in relation to all other evidence, individually and collectively.

The investigator's evaluation of evidence begins with the first information received concerning the incident or crime and continues until the investigation has been satisfactorily concluded or discontinued by proper authority. The evaluation may include a discussion of the evidence with supervisors, other investigators, laboratory technicians, or other experts in a given field.

Preserving evidence. It is the investigator's responsibility to ensure every precaution is exercised to preserve physical evidence in the state in which it was received until it is released to the evidence custodian.

Preservation includes security and chain of custody. A key-type field safe should be made available to the investigator for temporary storage of evidence during other than normal duty hours (see lesson 3).

Releasing evidence. Once in the investigator's possession, evidence is released only to the evidence custodian or another person designated by the investigator's supervisor.

Releasing the scene. The scene is not released until all processing has been completed. The release should be affected at the earliest practicable time, particularly in instances in which an activity has been closed or its operations curtailed.

Sketches and Investigative Notes.

Properly prepared sketches may be used to question witnesses, suspects, and victims; to prepare a report of investigation; and to present information in court.

They are also valuable sources of information for both trial and defense counsels. Sketches are frequently introduced in court as evidence and used to acquaint the court with crime scenes and help witnesses orient themselves as they testify. Sketches and notes made during an investigation become DA property and are not retained or used as personal property.

Notes or sketches used to refresh the investigator's memory during a court appearance may be reviewed by the court. Appropriate attention is given to ensure all notes and sketches are legible and project clear, meaningful facts. Lack of organization in notes or sketches could adversely influence the weight given to the investigator's testimony by a court.

Sketches. A sketch which graphically portrays the scene of a crime and items within the crime scene is of interest to the investigation. The sketch, crime scene photographs, and investigative notes are complementary and necessary to effectively process the crime scene.

The sketch provides the best means of portraying distances between objects at the scene. There are two basic kinds of sketches, the rough sketch and the smooth sketch (scaled drawing). Both types of sketches contain the same general information, but differ according to the technique of presenting the information.

To cover items of interest to the investigation, crime scene sketches must, as a minimum, depict the following:

- * Locations of approaches, such as roadways, paths, entrances, exits, windows, and skylights.

- * Size of the area or building.
- * Exact locations and relative positions of all pertinent evidence found at the scene.
- * Camera locations.

In depicting the above, the sketch should:

- * Each sketch should have a caption to identify the illustration. (eg. "Rough sketch showing camera positions and distances.")
- * Reflect accurate measurements verified by another person.
- * Indicate compass direction of north. (Located on top of the scale bar)
- * Designate the scale (for scaled drawing only). If no scale is used, state this fact. (Located in bottom center)
- * Use a conventional system of measurement (English or metric system). Paces or steps are not used.
- * Must contain a legend located in lower left position that explains all symbols or letters used to identify objects on the sketch. Military symbols are used where practicable.
- * Each sketch must have a sketch title block, located in the lower right portion that depicts the report or incident number, offense alleged, name and rank or title of the victim, scene (portrayed - citing room number, bldg number, and type of building, location (citing complete name of installation, city, state, zip code, date and time the sketch was started, and the name and rank or title of the persons who made and verified the sketch.

Rough sketch. The purpose of a rough sketch is to portray information accurately, not necessary artistically. A rough sketch is usually not drawn to scale. But it must show accurate distances, dimensions, and relative proportions. The rough sketch is filed with the copy of the report retained by the originating office.

More than one sketch can be made of a particular scene. One may reflect measurements; another camera positions; and a third may be required to show locations of items of physical evidence at the scene. In some instances, separate sketches may be the best way to record multiple scenes contained within a larger area of investigative interest, or to provide detailed depictions of isolated locations within a relatively small crime scene. Conditions may necessitate the sketching of a limited area within the crime scene.

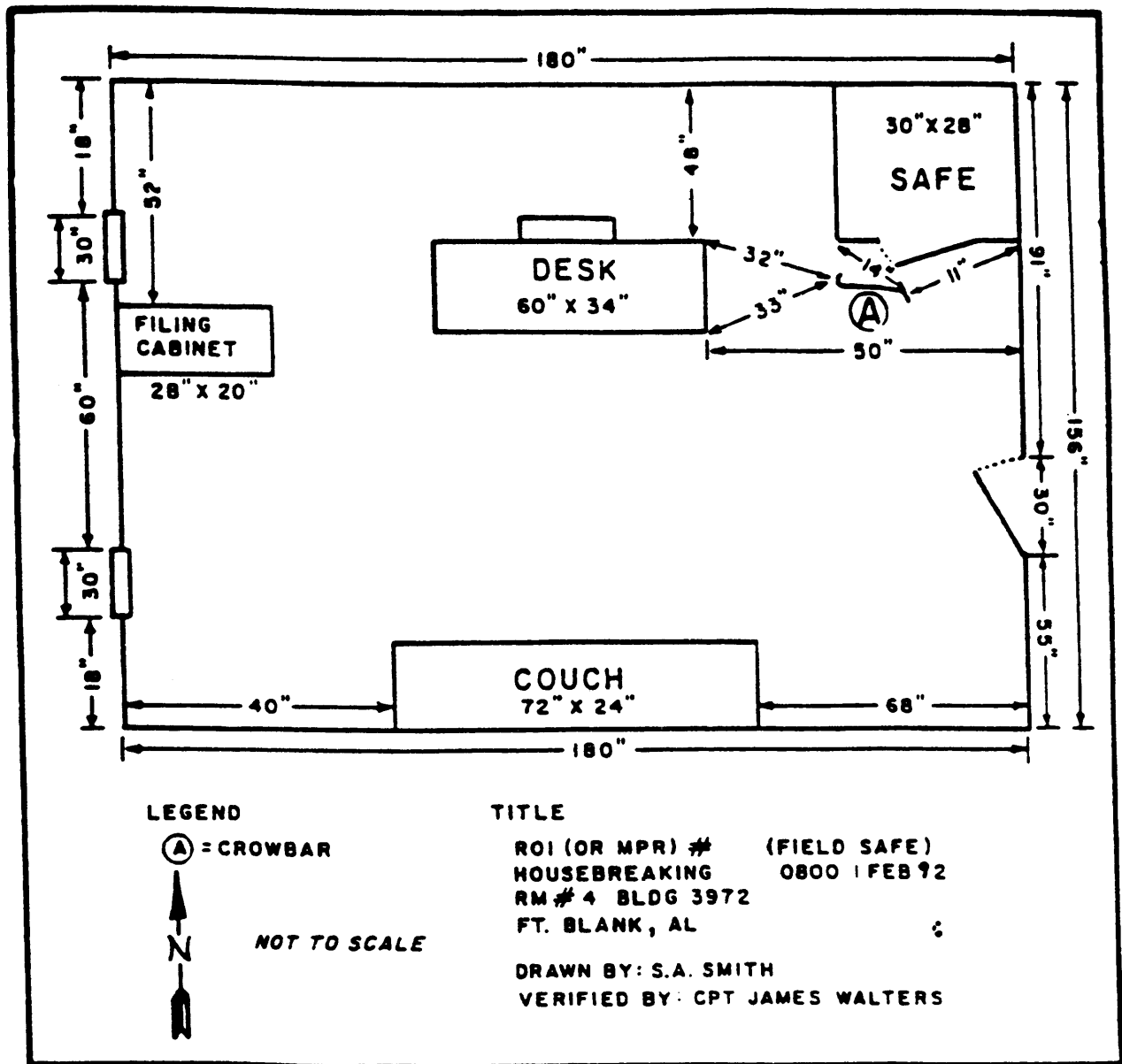


Figure A-4. Rough Sketch, Showing Evidence Measurements and Triangulation.

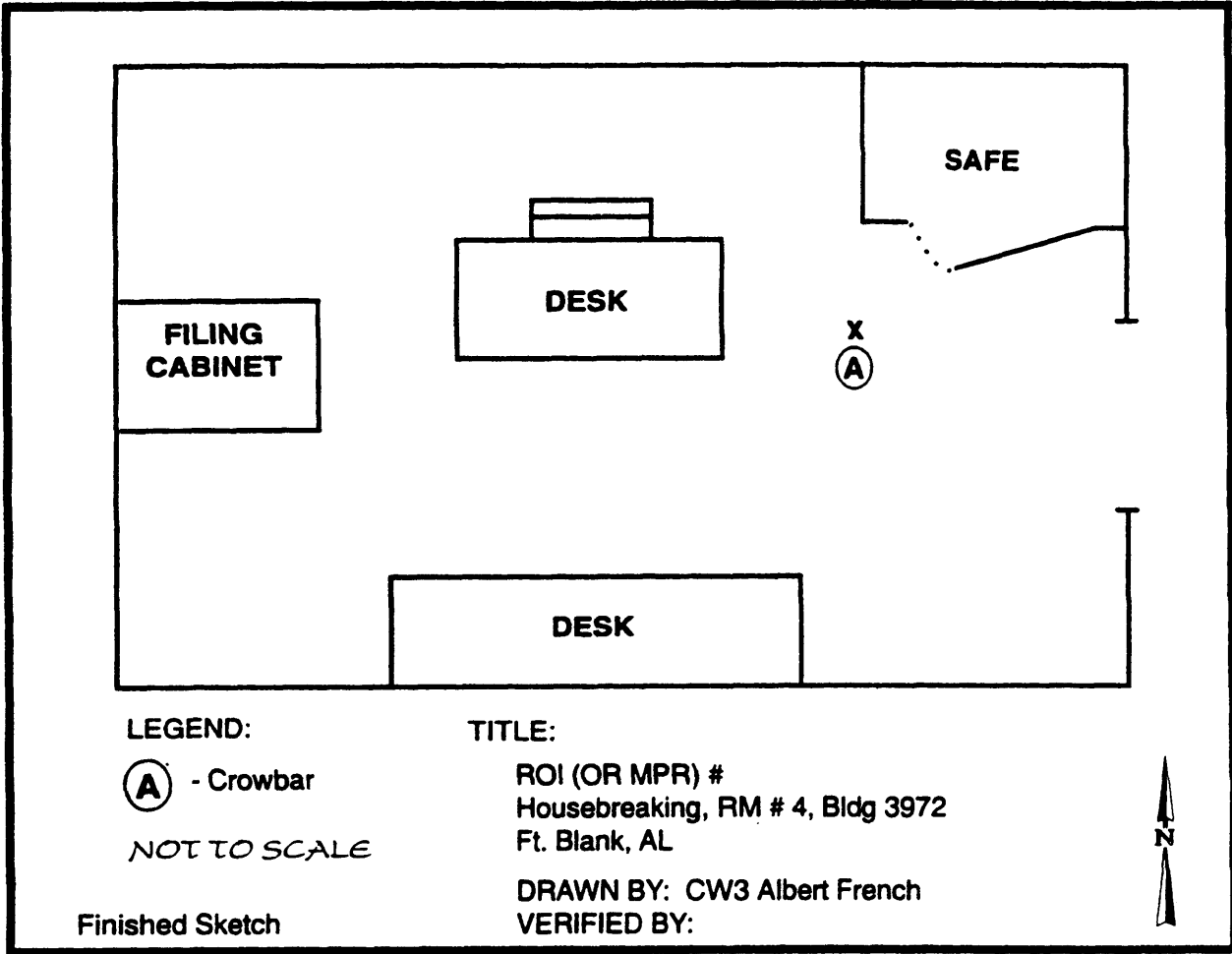


Figure A-5. Smooth Sketch.

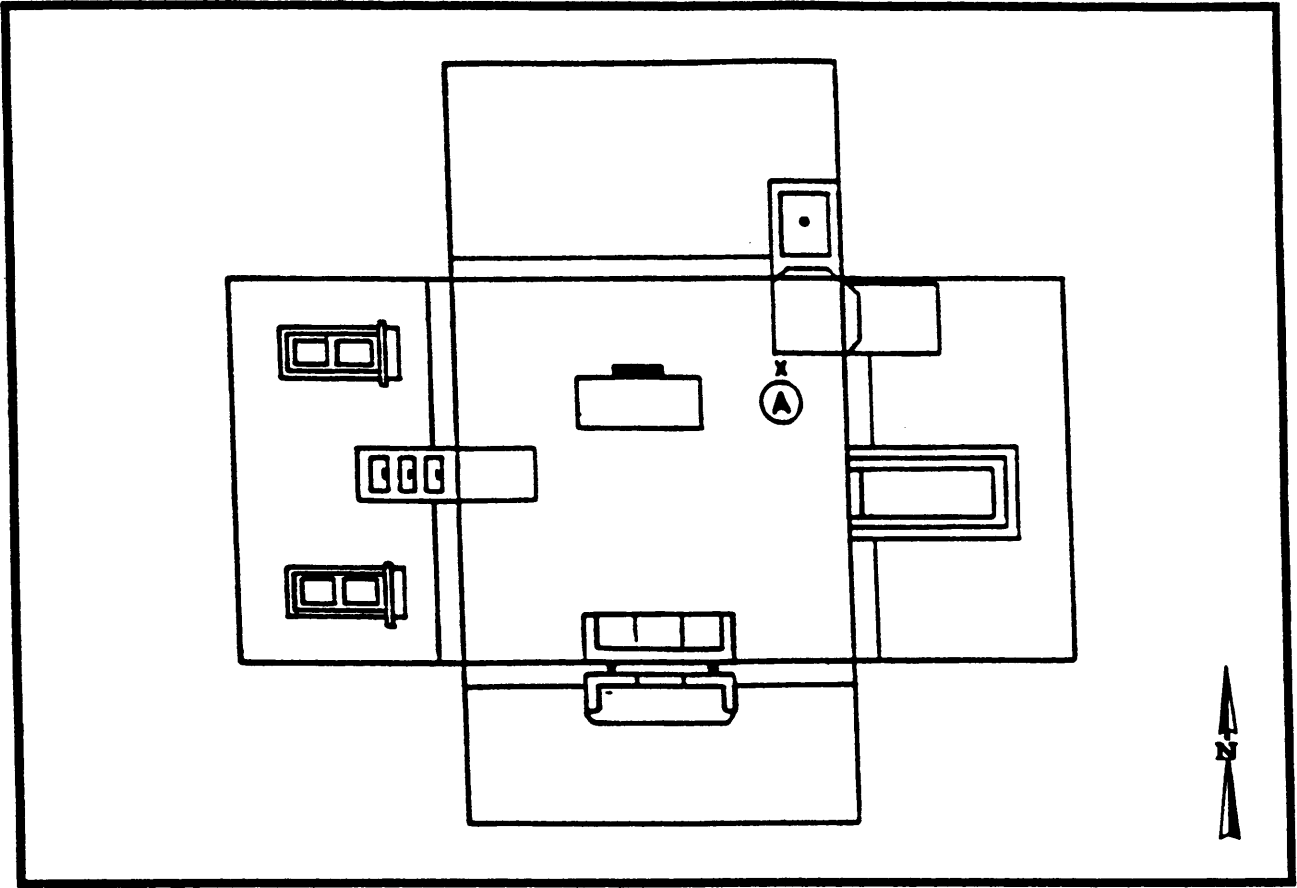


Figure A-6. Cross-Projection Sketch.

Items necessary to prepare a rough sketch are as follows:

- * Soft lead pencil.
- * Bond paper or graph paper.
- * Several thumbtacks to hold one end of the steel tape down when you're working alone.
- * Clipboard large enough to form a back for the paper.
- * Steel tape (at least 100 feet long).
- * A straightedge ruler.
- * A magnetic compass.

Smooth sketch. A smooth finished sketch is a more finished version of a rough sketch, using the information provided in the rough sketch. A smooth sketch need not be drawn by the same person who draws the rough sketch. But whoever draws the rough sketch must verify the accuracy of the smooth sketch if made by an experienced draftsman. When drawn to scale, the sketch need not include figures to show distances. If not drawn to scale, this fact should be indicated on the sketch and distances should be shown as on a rough sketch. A copy of the finished sketch is appended to each copy of the investigative report.

If the finished sketch is prepared by investigative unit personnel, the following materials are considered necessary:

- * Drawing board or table.
- * Draftsman T-square.
- * Pencil and ink drawing compass.
- * Ink ruling pen.
- * Lettering and drawing pens.
- * Black india ink.
- * Drawing and tracing paper.
- * Architect scale.
- * Art gum and ink erasers.
- * Engineer or architect triangles.

- * Drawing pencil.
- * French curve.

Projection Sketch. A cross-projection sketch may be used to add another dimension to sketches. It is useful when items or locations of interests are on or in wall surfaces in an enclosed space. The walls, windows, and doors in a cross-projection sketch are drawn as though the walls had been folded out flat on the floor (see Fig A-6).

Methods to Establish Location and Measurement.

Various sketch methods may be used to locate evidence and other important items at the scene. The simplest form of a sketch is a two-dimensional presentation of a scene as viewed directly from above. Evidence is located on this type of sketch by triangulation. Triangulation is used for indoor and outdoor sketches having fixed reference points. Objects are located by creating a triangle of measurements from a single, specific, identifiable point on an object to two fixed points, all on the same plane, at the scene. If movable items are to be used as reference points, they must first be "fixed" themselves. Do not triangulate evidence to evidence. Do not triangulate under or through evidence. Do not take a line of measurement through space. Measure your line along walls, or table top: In the interest of clarity, keep the angle of triangulation measurement between 45 and 90 degree on the sketches.

Regulator shaped items are fixed by creating two separate triangles of measurements. Each originates at opposite points on the object and ends at two fixed points, in the same plane, at the scene.

Pliable objects are fixed by creating a single triangle of measurement from the center of mass of the object to two fixed points, on the same plane, at the scene. You also measure the longest and widest dimension of the object.

Inhabited outdoor areas usually have easily defined, fixed reference points such as buildings, edges of roads, and sidewalks. When these are present, the triangulation method can be used to establish the location of objects. But uninhabited or remote areas may not have easily defined, fixed points will have to be located by using the intersection-resection method taught in map reading. See FM 21-26 for more discussion on intersection-resection.

INVESTIGATIVE NOTES.

Investigative notes are prepared for use in recalling places, events, incidents or other pertinent facts. They are filed with the copy of the report retained by the originating office.

Basic Principles of note taking are:

- * Notes should be printed or made in legible handwriting, preferably in ink. The ink should not smudge easily.
- * Each page of notes should be identified with the investigator's name, the case number (when known), and the date.

- * Short phrases should be used; single words or shorthand notes may not be meaningful at a later date or to other persons.
- * The first notes recorded after a complaint is received should include the date and time the complaint or information was received, name of the person reporting the information, names of the accused or suspected person(s), exact location of the incident, and a brief account of the details received. A complete identity of each person should be recorded when he is first mentioned.

Notes should be made when an action is taken, when information is received, and when an event is observed. However, the investigator should not allow his note taking to adversely affect the questioning of a person who may be distracted by such action and subsequently withhold information.

Notes should indicate a detailed description of any item considered to be pertinent to the investigation. This includes:

- * Unusual or peculiar marks of identification.
- * The exact location where the item was found and the relative distances separating various items.
- * Trade names, and serial and model numbers.
- * The recording of all identifying marks placed on the item.

Notes should indicate action taken by the investigator that may have a bearing on evidence obtained or significantly affect the investigation.

Notes should identify each photograph taken of a scene. They should be accurate and complete, since they form the basis for the preparation of the formal investigative report. The investigator may also use the notes to refresh his memory if he appears as a witness in a court proceeding.

Notes should not be edited or erased. If a mistake is made, the entry should be lined out, initialed, and then rewritten.

Crime Scene Photography.

One of the most valuable aids to a criminal investigation is provided by photographs. When properly taken, photographs supplement notes and sketches, clarify written reports, provide identification of personnel, and provide a permanent record of fragile perishable evidence.

The most important rule in crime scene photography is to photograph all evidence or possible evidence before anything is moved or touched.

General Considerations. Maintaining perspective is the most important consideration in crime scene photography. Photographs that nearly duplicate the exact scene with respect to scope, position, color, and form are the most useful.

Time is also an important consideration. Fragile trace evidence subject to nature (such as a footprint in the rain and fingerprints) should be photographed prior to any other processing.

There should not be any extraneous objects in the photographs such as investigators, their clothing, or equipment. Notes should be taken of the type of camera and film used, photographs taken, and any information necessary for the photographers to be able to answer "Yes" to the question, "Does this photograph represent the scene as you saw it?"

If it has been determined an explosive was used and there is residue of explosives in the area, a flash attachment should not be used.

When necessary, all objects should be photographed from different angles to ensure complete coverage. Evidence flags are useful in marking the location of small items of evidence for a photograph.

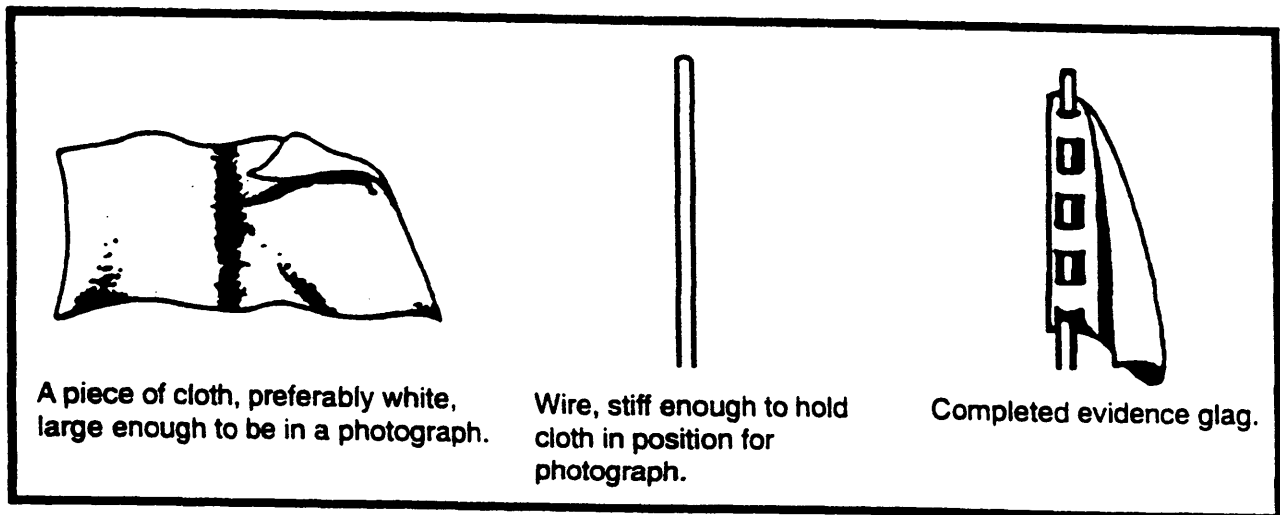


Figure A-7. Evidence Flag.

When pertinent, photographs should be taken of the general scene, approaches to the crime scene, surrounding areas, closeups of the entrance and exit locations, or those routes most likely used.

Special Considerations.

Arson scenes. There are several special considerations in photographing a fire. The photographer should seek out various possible angles from which to take photographs, attempting to keep out of smoke-filled areas.

Photographs of the entire structure should be made first. Color film should be used to show the color of the smoke, flames, and vapors. A series of photographs taken at intervals of several minutes may show the intensity and direction of the fire. Photographs should be made of any spectators at a fire, because the perpetrator may be present watching the results of his efforts.

After the fire, the entire exterior of the structure should be photographed. Following this, all affected interior areas should be photographed, to include any evidence discovered. Suspected points of origin should be photographed in detail. Since the photographer cannot rely on his exposure meter when trying to photograph charred wood, two or three stops overexposure will be required.

- ARSON: DURING FIRE**

 - Various angles
 - Color photo of entire structure first (include smoke, flames, and vapor)
 - Series taken at intervals of several minutes
 - Spectators

ARSON: AFTER FIRE


 - Entire exterior
 - Affected interior areas
 - All evidence
 - Suspected points of origin
- 

Figure A-8. Photographing the Arson Scene.

Other evidence. Various items of evidence should be specifically photographed. This evidence should normally be located in an overall view of the crime scene. Next, a medium-range shot should be taken of the object to show its surrounding area. A third, closeup shot of the object should be made to show any peculiarities, followed by the same shot with a ruler in the picture area.

crime scene, surrounding areas, closeups of the entrance and exit locations, or those routes most likely used.

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SPECIMEN	MARKING	DETERMINING AMOUNT		PRESERVING	PACKAGING	TRANSMITTING
		STANDARD	EVIDENCE			
Abrasive, including carborundum, emery, sand, metal filling, and so on.	Label and tag container. Show type of material, date obtained, investigator's name, or initials, case and evidence number.	Call lab for guidance.	Send all evidence.	No special instructions.	Use containers such as ice cream box, metal pill box, or powder box. Seal to prevent any loss. Seal small amounts in folded paper packet, the place in container.	Send by Registered Airmail, RR, or Air Express.
Acids.	Same as above.	Send up to 1 qt, but at least 15cc (1/2 ounce) if available.	Send up to 1 pint.	No special instructions.	Call lab for guidance. Label "Acids", "Glass", "Corrosive".	R. R. Express only.
Adhesive tape.	Same as above.	Send up to one foot.	Send all evidence.	No special instructions.	Place on waxed paper or cellophane. Pack in pill, or powder box, paper container, or druggist's fold. Seal edges	Send by registered mail.
Alkalines (like Caustic soda, potash, ammonia.)	Same as above.	Send up to one quart liquid, 1 lb solid.	Send up to one quart or 1 lb but on less 15cc or (1/2 oz). If available, send up to five rds. Cite specification and lot number if available.	No special instruction.	Call lab for guidance. Label "Alkali, Glass, corrosive"	Send by RR Express only.

SPECIMEN	MARKING	DETERMINING AMOUNT		PRESERVING	PACKAGING	TRANSMITTING
		STANDARD	EVIDENCE			
Ammunition	Same as above.	If standard make usually not necessary to send any. Otherwise submit two rounds.	Send up to five rds, cite specification and lot number if available.	No special instructions.	Pack in cotton, soft cloth in small container to prevent friction, shifting and contact while in transit. Place in wooden box. Label "Explosive".	Send by RR express.
Blasting caps	Place label and tag on outside of container. Note type of material, date obtained, investigator's name or initials, case and evidence number.	No special instructions.	Send all evidence.	CONSULT WITH LAB FOR GUIDANCE	CONSULT WITH LAB FOR GUIDANCE.	CONSULT WITH LAB FOR GUIDANCE.
Blood (liquid)	On adhesive tape on outside of test tube, write name of victim or subject, date taken, doctor's name, investigation name, case and evidence number.	Submit 5cc (1/5 ounce) collected in a sterile test tube or sheppard (vac tube).	Send all evidence.	Use sterile tube only. No preservation, no refrigerant.	Wrap in cotton, soft paper, place in mailing tube or strong mailing carton to prevent breakage and spillage.	Send by registered mail.
		For small quantities, collect using sterile gauze.	Send all up to 1/5 ounce.	Air dry gauze	Place in envelope seal.	
		For drowning cases, send two specimens, one from each side of heart.	Send all evidence	Consult laboratory if preservation is required.	No special instructions.	

SPECIMEN	MARKING	DETERMINING AMOUNT		PRESERVING	PACKAGING	TRANSMITTING
		STANDARD	EVIDENCE			
Blood Solid (dried)	Place scrapings on paper and use duggist fold. Note type of specimen, date secured, investigator's name, case and evidence number on outside of folded paper.	Submit 5cc (1/5 ounce) blood collected from persons related to case (see instruction for liquid blood). Also send a control specimen of material (soil, porous matter) from which stain collected.	Send as much as possible.	Key dry, or if partly dried, dig completely under natural conditions.	Seal top, ends, and all folds to prevent leakage.	Send by registered mail.
Blood stained clothing, fabric	Use property tag and/or mark directly on clothes. Note type of specimen, date secured, investigator's name, case and evidence number.	Submit 5cc (1/5 ounce) of blood collected from persons related to case (See instructions for liquid blood).	Send all evidence.	If wet when found, dry under natural conditions. Use no excessive heat to dry. Use no preservatives.	Wrap each article separately and identify on outside of package. Place in a strong box packed to prevent shifting of contents.	Send by registered mail.
Body organs	Label or mark outside of container. Note victim's name, date of death, date of autopsy, name of doctor, investigator's name, case and evidence number.		CONSULT	WITH LAB	FOR GUIDANCE	

SPECIMEN	MARKING	DETERMINING AMOUNT		PRESERVING	PACKAGING	TRANSMITTING
		STANDARD	EVIDENCE			
Bullets	On outside of container mark investigator's initials, date secured, case and evidence number.	No special instructions.	Send all evidence.	No special instructions.	Place bullet on cotton or soft paper. Place in pill, powder, or match box. Pack to prevent shifting in transit.	Send by registered mail.
Cartridges (live rounds)	Identify as directed above.	Send two rounds.	Send all evidence.	No special instructions.	Same as above.	Send by UPS or by military transportation.
Cartridges (empty shells)	Identify as directed above.	Send any found.	Send any evidence.	No special instructions.	When fingerprint evidence possible, place in test tube, seal, and label.	Send by registered mail.
Charred or burned paper	On outside of container note type of material, date obtained, investigator's name or initials, case, and evidence number.	No special instructions.	Send any evidence.	Keep dry. Do not add moisture with atomizer or otherwise.	Pack in rigid container between layer of cotton. If fragile and brittle, consult for guidance.	Consider hand-carrying. If necessary, send by registered mail.
Check protector, rubber stamp, and date stamp sets, known standards.	Place case and evidence number, investigator's name or initials, date secured, name of make and model, and so on sample impressions.	Obtain several copies in full word order of each questioned checkwriter impression. If unable to forward stamps, prepare numerous	Send all evidence.	Do not change the ribbon or alter the inking. See also typewriter specimens.	Wrap securely to prevent shifting or damage. (For transmitting standards, see documents).	Send by registered mail.

SPECIMEN	MARKING	DETERMINING AMOUNT		PRESERVING	PACKAGING	TRANSMITTING
		STANDARD	EVIDENCE			
Clothing Fabric	Attach property tag and/or mark directly on material. Note type of evidence, investigator's name, date, case, and evidence number.	<p>samples with different degrees of pressure.</p> <p>No special instructions.</p>	Send all evidence.	<p>Leave clothing whole. Do not cut out stains. If wet, air dry before packing. For gun powder residue, avoid shaking.</p>	<p>Wrap each article individually. Identify article on outside of package. Place in strong container. For gun powder residue, fold fabric flat, placing clean paper between folds and wrap so no residue is lost through friction.</p>	Send by registered mail.
<p>Documents</p> <p>Anonymous letter, codes, cipher, extortion letters, fraudulent checks, questioned and secret writing, hand written and printed specimen, handwriting, handprinting, and forgeries. Know standards or exemplars (See also charred or burned papers.)</p>	Place in paper envelope, seal and place investigator's initials, case and evidence number on envelope.	<p>Submit as many samples as possible of suspect's handwriting, including samples of words used in questioned letters if possible. For checks, obtain genuine cancelled checks.</p> <p>Submit fingerprint cards for all persons known to have handled documents.</p>	<p>Send all evidence. Include original envelopes. Advise if letter should be treated for latest fingerprint.</p> <p>Advise which parts are questioned and which are known.</p>	<p>Do not handle with bare hands.</p>	<p>Place in paper envelope inside manila envelope after insert stiff backing to prevent bending or folding. Seal and mark for identification. Wrap securely. If burned and/or brittle, call lab for guidance.</p>	Send by registered mail.

SPECIMEN	MARKING	DETERMINING AMOUNT		PRESERVING	PACKAGING	TRANSMITTING
		STANDARD	EVIDENCE			
Drugs: Liquid	Label or mark bottle in which found with investigator's name, date obtained, case and evidence number.	No special instructions.	Send not less than 15 cc (1/2 ounce); if available.	No special instructions.	If bottle does not have stopper, transfer contents to screw-topped bottle and seal with adhesive tape. Mark "fragile." Ensure against breakage.	Send by registered mail or RR or air express.
Drugs: powder pill, and solids.	Label or mark outside of pillbox with investigator's name, date obtained, case and evidence number.	No special instructions.	Send all evidence.	Guard against pill breakage.	Seal with tape to prevent spillage.	Send by registered mail or RR or air express.
Dynamite other explosives.	Call lab for guidance.			Send all evidence. Do not forward until advised to do so by the lab. Packing instructions will be given at that time.)		
Firearms	Attach property tag with identifying data. Mark investigator's initials and date on barrel, frame, and slide or cylinder.	No special instructions.	Send all evidence.	Keep from rusting. Unload all weapons before shipping. Do not unload magazines. Identify location of each round	Wrap each piece separately in paper and identify contents on package. Place in card board box or wooden box. Pack to prevent shifting while in transit. Label "firearm".	Send by registered mail.

SPECIMEN	MARKING	DETERMINING AMOUNT		PRESERVING	PACKAGING	TRANSMITTING
		STANDARD	EVIDENCE			
Fuze (safety)	Attach property tag and/or gummed paper label with investigator's name, date, case, and evidence number.	Send a one foot section.	Send any evidence.	on revolver cylinder. Advise if firearms are to be examined for fingerprints. No special instructions.	Place in manila envelope, box, or suitable retrainer.	Send by registered mail, or RR or Air Express.
Gasoline	Label or mark outside of all metal container; note type of material, investigator's name, date, case, and evidence number.	Send up to one quart.	Send up to 1 gallon.	Use only a fireproof container.	Use a metal container packed in wooden box.	RR Express only.
Glass Fragments	Separate questioned and known. Mark investigator's name, date obtained, case and evidence number on outside of sealed containers.	Submit fingerprint cards for all persons known to have handled glass.	Send all evidence.	Avoid chipping.	Wrap each piece separately in paper. Pack in a strong box to prevent shifting and breakage. Identify contents. Mark "Fragile".	Send by registered mail.

SPECIMEN	MARKING	DETERMINING AMOUNT		PRESERVING	PACKAGING	TRANSMITTING
		STANDARD	EVIDENCE			
Hair and fibers	Label or mark outside of container. Note type of material, date, obtain investigator's name, case and evidence number.	Submit about 15 pulled hairs from each part of head or body in question. Keep hairs from various parts separate. No special instructions.	Send all evidence.	Do not use envelopes.	Wrap specimen in paper using druggist fold. Seal edges and openings with scotch tape or adhesive tape. Place in container and seal.	Send by registered mail.
	Impressions: Plaster casts, tire treads, footprints.	On back of cast before plater hardens, place investigator's initials and date.	No special instructions.	Send up to 2 ft.	No special instructions.	Wrap each cast in soft paper or cotton, surround with packing material in box to prevent shifting or breakage. Label "Fragile".
Indented writing	(See also documents)	Original writing, if available.	Send all evidence.	See charred papers.	See charred papers.	Send by registered mail.
Matches	Mark or label outside of container. Note type of material, date obtained, investigator's name, case, and evidence number.	Send one to two books of paper matches. One full box of wooden matches.	Send all evidence.	Keep away from fire.	Pack in metal container. Pack in larger envelope to prevent shifting. Label "Keep Away From Fire."	Send by Registered mail, RR or air express.
Metal	Identify as directed above.	Send up to one lb or 1 ft.	Send all evidence up to 1 pound or 1 foot. Provide melt number, heat treatment, and other	Keep from rusting.	If metal is solid, wrap in paper. Use paper boxes or containers for fillings. Seal, pack in strong wooden box or paper.	Send registered mail, RR or Air Express.

SPECIMEN	MARKING	DETERMINING AMOUNT		PRESERVING	PACKAGING	TRANSMITTING
		STANDARD	EVIDENCE			
Oil	Identify as directed above.	Send up to one quart.	specifications of _____ if available. Send all evidence up to 1 quart.	Keep away from fire.	Place in metal container with tight screw on top. Pack in strong box using excelsior or similar material.	Send by RR Express.
Paint: Liquid	Label or mark outside of container; note type of materials, origin if known, date obtained, investigator's name, case, and evidence number.	Send up to 1 quart.	Send all evidence up to 1 quart.	No special instructions.	Use a friction-top paint can or large mouth screw-top jars. If glass, pack in heavy corrugated paper or wooden box to prevent breakage.	Send by registered mail, RR or air express.
Paint: Solid (dried)	Identify as directed above.	Send at least 1/2 square inch if available.	Send all evidence. If paint is on small object, send object.	Wrap object with smears or chips to prevent paint from coming off. Do not pack paint chips in cotton or secure with scotch tape or adhesive.	Wrap chips of paint in paper using druggist fold. Seal to prevent spillage. Do not use envelopes.	Send by registered mail or RR or air express.

SPECIMEN	MARKING	DETERMINING AMOUNT		PRESERVING	PACKAGING	TRANSMITTING
		STANDARD	EVIDENCE			
Rope, twine, cordage	Tag and/or mark container: type of material, date obtained, investigator's name, case, and evidence number.	Send up to two ft.	Send all evidence up to 2 ft or more.	No special instructions.	Wrap securely in clean paper. If strands or fibers, use druggist's fold in pillbox. Seal edges and openings with scotch or adhesive tape.	Send by registered mail.
Safe insulation or soil	Label or mark outside of container. Note type of material, date obtained, investigator's name, case, and evidence number.	Send at least 1/2 cupful. Also send "alibi" standards.	Send all evidence up to 1 pound.	Avoid use of glass containers.	Pack in an ice cream box, pillbox, powder box, or the like. Seal edges and corners to prevent any spillage.	Send by registered mail or RR or Air Express.
Semen stains	Tag and/or mark article, note type of material, date obtained, investigator's name, case, and evidence number.	No special instructions.	Send entire article.	Air-dry. Avoid friction with stained area. Do not roll item. Do not fold or cleanse stained area. (See blood stained clothing).	Fold carefully, protect area with clean paper. Pack to prevent shifting in transit.	Send by registered mail.
Tools	Label and/or tag tool, note type of tool, investigator's name, or initials, case and evidence number.	Send the tool.	Send all evidence.	No special instructions.	Wrap each tool in paper. Pack strong cardboard or wooden box to prevent shifting.	Send by registered mail or RR or Air Express.

SPECIMEN	MARKING	DETERMINING AMOUNT		PRESERVING	PACKAGING	TRANSMITTING
		STANDARD	EVIDENCE			
Toolmarks	Tag and/or mark objects on the opposite end from where toolmark appears. Note investigator's name, date obtained, case and evidence number.	Send the tool.	Send all evidence.	Cover ends of object bearing toolmarks with soft paper, and wrap with string paper to protect ends. Keep questioned specimens separate from known standards.	After marks have been protected, wrap in strong wrapping paper, place in a strong box, and pack to prevent shifting.	Send by registered mail, RR, or Air Express.

APPENDIX C

ACRONYMS

APO	Army Post Office
ATF	Alcohol, Tobacco, and Firearms Division
BW	Biological Warfare
CBW	Chemical, Biological Warfare
CCF	Central Personnel Security Clearance Facility
CI	Counterintelligence
CII	Counterintelligence Investigation
CIDC	Criminal Investigation Division Command
CINCUSAREUR	Commander in Chief, United States Army, Europe
CONUS	Continental United States
CW	Chemical Warfare
DCSINT, DA	Deputy Chief of Staff for Intelligence, Department of the Army
DIS	Defense Investigative Service
DPDO	Defense Property Disposal Office
EUSA	Eighth US Army
EW	Electronic Warfare
FBI	Federal Bureau of Investigation
FCA	Foreign Counterintelligence Activity
INSCOM	Intelligence and Security Command
ISEW	Intelligence, Security, and Electronic Warfare
MACOM	Major Army Command
MP	Military Police
MPRJ	Military Personnel Records Jacket
MPR	Military Police Report
NBC	Nuclear, Biological, and Chemical
NCIS	Naval Criminal Investigative Service
ODCSINT	Office of the Deputy Chief of Staff for Intelligence
OSI, IG	Office of Special Investigations, Inspector General
PSI	Personnel Security Investigation
SCI	Sensitive Compartmented Information
SJA	Staff Judge Advocate
SOP	Standing Operating Procedures
UCMJ	Uniform Code of Military Justice
USACIL	US Army Criminal Investigation Laboratory
USAIRR	US Army Intelligence Records Repository
USAREUR	United States Army, Europe
USSS	US Secret Service